

Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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Information	206
Rulemaking Guide	207
<u>RULES AND RULEMAKING</u>	
Final Rulemaking, Notices of	
2 A.A.C. 8 State Retirement System Board	209
4 A.A.C. 23 Board of Pharmacy	211
4 A.A.C. 26 Board of Psychologist Examiners	215
17 A.A.C. 5 Department of Transportation - Commercial Programs	223
Final Exempt Rulemaking, Notices of	
7 A.A.C. 2 State Board of Education	231
<u>OTHER AGENCY NOTICES</u>	
Oral Proceeding on Proposed Rulemaking (Public Meeting), Notices of	
Department of Insurance	234
<u>ARIZONA COUNTY NOTICES</u>	
Maricopa County	236
<u>INDEXES</u>	
Register Index Ledger	257
Rulemaking Action, Cumulative Index for 2017	258
Other Notices and Public Records, Cumulative Index for 2017	259
<u>CALENDAR/DEADLINES</u>	
Rules Effective Dates Calendar	260
Register Publishing Deadlines	262
<u>GOVERNOR'S REGULATORY REVIEW COUNCIL</u>	
Governor's Regulatory Review Council Deadlines	263
Notice of Action Taken at the January 4, 2017 Meeting	264

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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C. is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

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ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

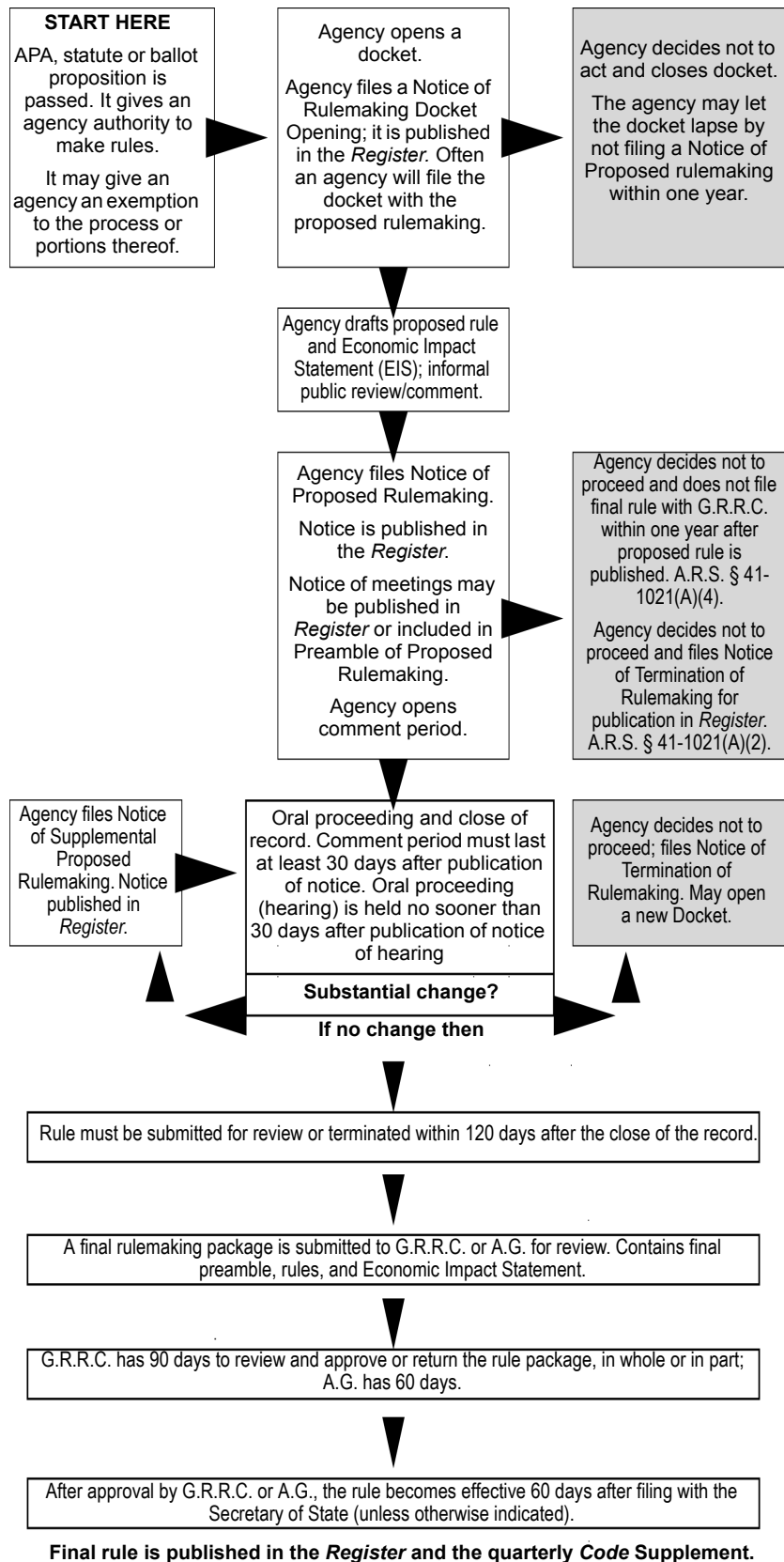
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.," and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF FINAL RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

[R17-01]

PREAMBLE

1. **Article, Part, and Section Affected (as applicable)** **Rulemaking Action**
Article 1 Amend
R2-8-117 New Section
2. **Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 38-714(E)(4)
Implementing statutes: A.R.S. §§ 38-711, 38-766, 38-766.01, 38-766.02
3. **The effective date for the rules:**
March 5, 2017
 - a. **If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
Not applicable
 - b. **If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
Not applicable
4. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
Notice of Rulemaking Docket Opening: 22 A.A.R. 1063, May 6, 2016
Notice of Proposed Rulemaking: 22 A.A.R. 2555, September 16, 2016
5. **The agency's contact person who can answer questions about the rulemaking:**
Name: Jessica A.R. Thomas, Rules Writer
Address: Arizona State Retirement System
3300 N. Central Ave., Suite 1400
Phoenix, AZ 85012-0250
Telephone: (602) 240-2039
E-mail: JessicaT@azasrs.gov
6. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The ASRS is amending the title of Article 1 to more clearly reflect the information contained in that article.

A.R.S. § 38-766.01 allows retired members to elect to continue receiving retirement benefits after returning to work for an ASRS Employer if specific criteria are met and it requires retired members to submit the Working After Retirement form to acknowledge such election. The ASRS needs to clarify that pursuant to A.R.S. § 38-766.01(C), an ASRS retired member who returns to work directly with an ASRS Employer must submit the Working After Retirement form to each of the retired member's current ASRS Employers through the retired member's secure website account. Upon the ASRS Employer's verification of the information contained in the Working After Retirement form, the ASRS Employer submits the validated information to the ASRS.

R2-8-117 will clarify that ASRS Employers must submit this form to the ASRS for each retired member who returns to work directly for an ASRS Employer. The ASRS may need to clarify that a retired member who returns to work for an ASRS Employer prior to the member's retirement date has not terminated employment for purposes of determining which retired members return to work under the return to work statute(s). In other words, the ASRS may need to clarify that in order to "return to work," a member must terminate, retire, and then, seek subsequent employment with an ASRS Employer. Also, the ASRS needs to clarify that a retired member must submit the Working After Retirement form within 30 days of commencing employment with an ASRS Employer. The Employer is also responsible for submitting a Working After Retirement form within 30 days of a change in



employment status such as the intent to engage the retired member for 20 or more hours per week for 20 or more weeks in a fiscal year. Finally, the ASRS needs to clarify what may happen if a retired member or the retired member's ASRS Employer is found to be in violation of the return to work statute(s). These clarifications will ensure that the ASRS, its Employers, and its members have prompt notice about which retired members are returning to work for which ASRS Employers, and the process for reporting return to work information.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No study was reviewed.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

There is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rules will have minimal economic impact, if any, because the rulemaking simply clarifies statutory requirements that already exist. There may be some economic impact to an Employer who employs a retired member because the Employer must submit a verified Working After Retirement form for each retired member. However, A.R.S. § 38-766.01 already requires the retired member to submit the Working After Retirement form and requires the Employer to verify that form before submitting it to the ASRS. Clarifying how a retired member and an ASRS Employer must submit the Working After Retirement form, will increase understandability of the statutory requirements in A.R.S. § 38-766.01, thereby reducing the regulatory burden imposed on the public. This clarification will ensure that ASRS Employers have notice about which personnel require the ASRS Employer to submit a Working After Retirement form to the ASRS. Thus, the economic impact is minimized.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

None

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The ASRS received no written comments regarding the rulemaking. No one attended the oral proceeding on November 21, 2016.

12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules do not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law applies to retirement programs. However, there is no federal law specifically applicable to this rulemaking.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

No materials are incorporated by reference.

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 8. STATE RETIREMENT SYSTEM BOARD

ARTICLE 1. RETIREMENT SYSTEM;~~DEFINED BENEFIT PLAN~~

Section

R2-8-117. Return to Work After Retirement

ARTICLE 1. RETIREMENT SYSTEM;~~DEFINED BENEFIT PLAN~~

R2-8-117. Return to Work After Retirement

A. Unless otherwise specified, in this Section:

1. "Commencing employment" means the date a retired member who is not independently contracted or leased from a third party pursuant to R2-8-116(A)(4) renders services directly to an Employer for which the retired member is entitled to be paid.
2. "Returns to work" means the member retired from the ASRS prior to commencing employment with an Employer.



- B.** Pursuant to A.R.S. § 38-766.01(C), a retired member who returns to work directly with an Employer shall submit a Working After Retirement form to each of the retired member's current Employers through the retired member's secure website account within 30 days of the retired member commencing employment with an Employer.
- C.** Pursuant to A.R.S. § 38-766.02(E), within 14 days of receipt of a Working After Retirement form, an Employer shall verify the retired member's employment information and submit the verified Working After Retirement form to the ASRS through the Employer's secure website account for each retired member who returns to work with the Employer.
- D.** After a retired member returns to work, the Employer shall submit a verified Working After Retirement form to the ASRS through the Employer's secure website account within 30 days of a change in the intent of each retired member's employment that results in:
1. The member's number of hours worked per week increasing from less than 20 hours per week to 20 or more hours per week; or
 2. The member's number of weeks worked in a fiscal year increasing from less than 20 weeks per fiscal year to 20 or more weeks per fiscal year.
- E.** The Working After Retirement form shall contain the following information:
1. The retired member's social security number;
 2. The retired member's full name;
 3. The date the member retired;
 4. Whether the retired member terminated employment, and if so, the date the retired member terminated employment;
 5. The first date of commencing employment upon the retired member's return to work;
 6. The intent of the retired member's employment reflected as:
 - a. The anticipated number of hours the retired member is engaged to work per week and the anticipated number of weeks the retired member is engaged to work per fiscal year; or
 - b. The actual number of hours the retired member works for an Employer per week and the actual number of weeks the retired member works for an Employer in a fiscal year.
 7. Acknowledgement by the retired member that the retired member has read the Return to Work information on the ASRS website and intends to continue submitting the Working After Retirement form to the retired member's Employer.
- F.** Upon discovering that the retired member's employment violates A.R.S. §§ 38-766 or 38-766.01, the ASRS shall send the retired member a Retiree Return to Work Notice of Non-Compliance with ASRS Statutes form.
- G.** By the due date specified on the Retiree Return to Work Notice of Non-Compliance with ASRS Statutes form, the retired member shall return the completed form and any supporting documentation to the ASRS indicating the action the retired member will take to correct the violation of A.R.S. §§ 38-766 or 38-766.01.
- H.** If the member does not submit the Retiree Return to Work Notice of Non-Compliance with ASRS Statutes form pursuant to subsection (G), the ASRS shall suspend the retired member's retirement benefits from the date on the Retiree Return to Work Notice of Non-Compliance with ASRS Statutes form.
- I.** If the ASRS suspends the retired member's retirement benefits pursuant to subsection (H), the ASRS shall reinstate the retired member's retirement benefits upon notice from the Employer that all violations pursuant to subsection (F) have been corrected.

NOTICE OF FINAL RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 23. BOARD OF PHARMACY

[R17-02]

PREAMBLE

- | | |
|--|---|
| <p>1. Article, Part, and Section Affected (as applicable)
R4-23-411</p> <p>2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):
Authorizing statute: A.R.S. § 32-1904(A)(1)
Implementing statute: A.R.S. § 32-1974</p> <p>3. The effective date for the rules:
March 5, 2017</p> <p>a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
Not applicable</p> <p>b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):
Not applicable</p> <p>4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:
Notice of Rulemaking Docket Opening: 22 A.A.R. 2406, September 2, 2016
Notice of Proposed Rulemaking: 22 A.A.R. 2593, September 23, 2016</p> <p>5. The agency's contact person who can answer questions about the rulemaking:
Name: Kamlesh Gandhi
Address: Board of Pharmacy</p> | <p>Rulemaking Action
Amend</p> |
|--|---|



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6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

During the last session, the legislature amended A.R.S. § 32-1974, regarding administration of immunizations, vaccines, and emergency medications by a pharmacist (See Laws 2016, Chapter 267). The amended statute allows a licensed pharmacist or an intern working under the immediate personal supervision of a licensed pharmacist to administer, without a prescription order, an influenza immunization to an individual who is at least three years old, booster doses for the primary adolescent series recommended by the Centers for Disease Control (CDC), all immunizations recommended by the CDC for an individual who is at least 13 years old, and emergency medication to manage an acute allergic reaction to a medication or during a public health emergency response. The amended statute allows a licensed pharmacist or an intern working under the immediate personal supervision of a licensed pharmacist to administer, with a prescription order, the first dose for the primary adolescent series to an individual who is between the ages of six and thirteen years.

A licensed pharmacist or a licensed intern working under the immediate personal supervision of a licensed pharmacist who wants to administer immunizations, vaccines, or emergency medication is required to obtain certification from the Board. The amended statute also requires a licensed pharmacist who administers an immunization, vaccine, or emergency medication to an individual to report the administration to the individual's primary-care physician or provider within 48 hours.

This rulemaking makes conforming changes to an existing rule. It also reduces the information required to be provided to an individual's primary-care physician or provider so the information can be provided through an automated physician notification process rather than manually.

An exemption from EO2016-03 was provided in e-mails from Christina Corieri, Policy Advisor for Health and Human Services in the Governor's office, dated April 15 and June 3, 2016.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board did not review or rely on a study in its evaluation of or justification for the rule in this rulemaking.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

It is the statutory changes made in the last legislative session that have economic impact. Statute expands the opportunity for a licensed pharmacist or intern to provide immunizations, vaccines, and emergency medications. This will have positive economic benefit for those who obtain the required certification from the Board. The statutory changes also have positive economic benefit for individuals who are able to obtain necessary immunizations and vaccinations without incurring the expense of seeing a physician and obtaining a prescription order. The conforming changes made in this rulemaking have no economic effect.

Reducing the information a licensed pharmacist is required to provide to an individual's primary-care physician or provider will have positive economic benefit for the licensed pharmacist by reducing a regulatory burden while still achieving the same regulatory objective.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

The changes identified in item 11 were made between the proposed and final rules. Other minor language changes were made to improve clarity.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

Written comments were received from three entities: The Arizona Community Pharmacy Committee; Walgreens; and CVS Health. The three entities addressed two provisions of the proposed rule. The comments, Board's analysis, and response follow:



COMMENT	ANALYSIS	RESPONSE
R4-23-411(A)(5) and (6): Amend these two subsections by inserting the phrase “or a booster dose as defined in A.R.S. § 32-1974(B)” after the word “influenza.”	<p>A.R.S. § 32-1974(I)(2) defines “primary adolescent series” as immunizations or vaccines recommended by the CDC for children starting at age 11 or 12.</p> <p>A.R.S. § 32-1974(C) requires a prescription order for a pharmacist to administer a first dose of the primary adolescent series to an individual who is at least six but less than 13 years old. However, after the individual has received a first dose of the primary adolescent series, A.R.S. § 32-1974(B) allows a pharmacist to administer a booster dose without a prescription order.</p> <p>Because the recommended amendment simply tracks statutory language, the Board agreed to make it.</p>	The suggested amendment was made.
R4-23-411(F)(2): Delete subsections (F)(1)(g) and (j) from the information that must be reported to a patient’s primary-care provider or physician.	<p>Subsection (F)(1)(g) requires the report provided to the patient’s PCP contain the date and time of the report. The Board agrees this is not necessary because the date and time will be put on the report during the act of transmitting it.</p> <p>Subsection (F)(1)(j) requires the report provided to the patient’s PCP contain the parental consent if the patient is a minor. Obtaining consent is the pharmacist’s responsibility and protects the pharmacist. The Board agrees it is not necessary to provide a copy to the patient’s PCP.</p>	The suggested amendment was made.

12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The certification described under R4-23-411(A) is a general permit consistent with A.R.S. § 41-1037 because it is issued to qualified individuals to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rule is not more stringent than federal law because no federal law is applicable to the subject of the rule.

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

None

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The rule was not previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

ARTICLE 4. PROFESSIONAL PRACTICES

Section

R4-23-411. Pharmacist-administered or Pharmacy or Graduate Intern-administered Immunizations



ARTICLE 4. PROFESSIONAL PRACTICES

R4-23-411. Pharmacist-administered or Pharmacy or Graduate Intern-administered Immunizations

- A. Certification to administer immunizations, vaccines, and, ~~in an emergency, epinephrine and diphenhydramine medications, as defined at A.R.S. § 32-1974(N), to an eligible adult patient or eligible minor patient. As used in this Section, “eligible adult patient” means an eligible patient at least 13 years of age or older and “eligible minor patient” means an eligible patient at least 6 years of age but under 18 less than 13 years of age. A pharmacist or a pharmacy or graduate intern, in the presence of and under the immediate personal supervision of a certified pharmacist, may administer, without a prescription, immunizations, or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient, if:~~
1. ~~The Both the pharmacist or and pharmacy or graduate intern meets meet~~ the qualifications and standards specified by A.R.S. § 32-1974 and this Section;
 2. The Board certifies both the pharmacist ~~or and~~ pharmacy or graduate intern as specified in subsection (D);
 3. For an eligible adult patient, the immunization or vaccine is:
 - a. ~~listed in Recommended for adults by the United States Centers for Disease Control and Prevention’s Recommended Adult Immunization Schedule Prevention; or the immunization or vaccine is recommended~~
 - b. Recommended in by the United States Centers for Disease Control and Prevention’s Health Information for International Travel;
 4. For an eligible adult patient, the immunization or vaccine is not on the Arizona Department of Health Services list specified in A.A.C. R9-6-1301 as required under A.R.S. § 32-1974(I) ~~and subsection (I);~~
 5. For an eligible minor patient, the immunization or vaccine is for influenza or a booster dose as described under A.R.S. § 32-1974(B)(2); and
 6. For an eligible minor patient, any immunizations or vaccines other than influenza or a booster dose as described under A.R.S. § 32-1974(B)(2) are administered in response to a public health emergency declared by the Governor under A.R.S. § 36-787.
- B. A pharmacist or a pharmacy or graduate intern, in the presence of and under the immediate personal supervision of a ~~certified pharmacist, may administer, with a prescription, any immunizations, or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient, if:~~
1. ~~The Both the pharmacist or and pharmacy or graduate intern meets meet~~ the qualifications and standards specified by A.R.S. § 32-1974 and this Section; and
 2. The Board certifies both the pharmacist ~~or and~~ pharmacy or graduate intern as specified in subsection (D).
- C. A pharmacist or pharmacy or graduate intern who is certified to administer immunizations, ~~or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient shall:~~
1. Not delegate the authority to any other pharmacist, pharmacy or graduate intern, or employee; and
 2. Maintain their current certificate for inspection by the Board or its designee or review by the public.
- D. Qualifications for certification to administer immunizations, ~~or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient. After receipt of a completed application form, the Board shall issue a certificate authorizing the administration of immunizations, or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient to a pharmacist or pharmacy or graduate intern who meets the following qualifications:~~
1. Has a current license to practice pharmacy in this state,
 2. Successfully completes a training program specified in subsection (E), and
 3. Has a current certificate in basic cardiopulmonary resuscitation.
- E. Immunizations training program requirements. A training program for pharmacists or pharmacy or graduate interns to administer immunizations, ~~or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible adult patient or eligible minor patient shall include the following courses of study:~~
1. Basic immunology and the human immune response;
 2. Mechanics of immunity, adverse effects, dose, and administration schedule of available vaccines;
 3. Response to an emergency situation as a result of the administration of an immunization, vaccine, or medication including administering epinephrine and diphenhydramine an emergency medication to counteract the adverse effects of ~~an the immunization, vaccine, or medication given based on a patient specific prescription order received before administering the immunization;~~
 4. Administration of intramuscular injections;
 5. Other immunization administration methods; and
 6. Recordkeeping and reporting requirements specified in subsection (F).
- F. Recordkeeping and reporting requirements.
1. A pharmacist or pharmacy or graduate intern ~~granted certification~~ certified under this Section to administer immunizations, ~~or vaccines, and, in an emergency, epinephrine and diphenhydramine medications to an eligible patient shall provide to the pharmacy the following information and documentation regarding each immunization, or vaccine, or emergency medication administered:~~
 - a. The name, address, and date of birth of the patient;
 - b. The date of administration and site of injection;
 - c. The name, dose, manufacturer’s lot number, and expiration date of the vaccine, immunization, epinephrine, or emergency medication diphenhydramine;
 - d. The name and address of the patient’s ~~primary care identified primary-care~~ provider or physician, ~~as identified by the patient;~~
 - e. The name of the pharmacist or pharmacy or graduate intern administering the immunization, vaccine, or emergency medication;



- f. A record of the pharmacist's or pharmacy or graduate intern's consultation with the patient determining that the patient is an eligible patient as defined in R4-23-110;
 - g. The date and time that the written report specified in subsection (F)(2) was sent to the patient's ~~primary care~~ primary-care provider or physician;
 - h. Consultation or other professional information provided to the patient by the pharmacist or pharmacy or graduate intern;
 - i. The name and date of the immunization or vaccine information sheet provided to the patient; and
 - j. For ~~immunizations an immunization or vaccines~~ vaccine given to an eligible minor patient, a consent form signed by the minor's parent or guardian.
2. The pharmacist or pharmacy or graduate intern shall provide a written report to the patient's ~~primary care~~ primary-care provider or physician containing the documentation required in subsection (F)(1)(a-d) within 48 hours after the immunization or vaccination. The pharmacy shall make the required records specified in subsection (F)(1) and a record of compliance with this subsection available in the pharmacy for inspection by the Board or its designee.
 3. A pharmacy's pharmacist-in-charge shall maintain the records required in subsection (F)(1) in the pharmacy for a minimum of seven years from the ~~immunization's~~ administration date.
- G.** Confidentiality of records. A pharmacist, pharmacy or graduate intern, pharmacy permittee, or pharmacist-in-charge shall comply with applicable state and federal privacy statutes and rules when releasing patient health information.
- H.** Renewal of a certificate for pharmacist-administered immunizations. A certificate authorizing a pharmacist to administer immunizations, ~~or vaccines, and, in an emergency, epinephrine and diphenhydramine medications~~ to an eligible adult patient or eligible minor patient ~~expires after five years. A pharmacist who wishes to continue administering immunizations, vaccines, and emergency medications shall be renewed every five years renew the certification by submitting a renewal request to the Board within the 30 days before the certificate's expiration date. A pharmacist desiring to renew the certificate shall and provide to the Board proof of the following:~~
1. Current certification in basic cardiopulmonary resuscitation, and
 2. Completion of a minimum of five contact hours (0.5 CEU) of continuing education related to immunizations during the five-year renewal period. A pharmacist may use the continuing education hours required in this subsection as part of the total continuing education hours required for pharmacist license renewal.
- I.** Pharmacist-administered or pharmacy or graduate intern-administered adult immunizations that require a prescription order. A pharmacist or pharmacy or graduate intern certified by the Board to administer adult immunizations or vaccines shall not administer any immunization or vaccine listed in A.A.C. R9-6-1301 without a prescription order. In addition to filing a prescription order as required in A.R.S. § 32-1964, a pharmacist or pharmacy or graduate intern who administers an immunization or vaccine listed in A.A.C. R9-6-1301 shall comply with the recordkeeping requirements of subsection (F)(1).

NOTICE OF FINAL RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

[R17-03]

PREAMBLE

- | <u>1. Article, Part, and Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--|---------------------------------|
| R4-26-401 | Amend |
| R4-26-403 | Amend |
| R4-26-404 | Amend |
| R4-26-404.1 | New Section |
| R4-26-405 | Amend |
| R4-26-406 | Amend |
| R4-26-407 | Amend |
| R4-26-408 | Amend |
| R4-26-409 | Amend |
| R4-26-410 | Amend |
| R4-26-414 | Amend |
| R4-26-417 | Amend |
2. **Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 32-2063(A)(3) and (A)(9)
 Implementing statute: A.R.S. §§ 32-2091.03 and 32-2091.07
 3. **The effective date for the rules:**
 March 5, 2017
 - a. **If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
 Not applicable
 - b. **If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
 Not applicable



4. Citation to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 22 A.A.R. 1110, May 13, 2016

Notice of Proposed Rulemaking: 22 A.A.R. 2318, September 2, 2016

5. The agency's contact person who can answer questions about the rulemaking:

Name: Dr. Cindy Olvey, Executive Director

Address: Board of Psychologist Examiners
1400 W. Washington, Suite 240
Phoenix, AZ 85007

Telephone: (602) 542-8162

Fax: (602) 542-8279

E-mail: Cindy.Olvey@psychboard.az.gov

Web site: www.psychboard.az.gov

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

Under Laws 2014, Chapter 166, the legislature amended the educational and training standards required for licensure as a behavior analyst and changed the time of biennial license renewal to coincide with a licensee's birth month rather than having all licenses renew at the same time. This rulemaking makes changes necessary to comply with statute. One of the changes, increasing the number of coursework classroom hours from 225 to 270 is the new standard of the Behavior Analyst Certification Board (See http://bacb.com/wp-content/uploads/2015/05/BACB_CourseContentAllocation.pdf) and consistent with A.R.S. § 32-2091.03, which requires the Board to adopt licensing standards consistent with the standards set by a nationally recognized behavior analyst certification board. An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated June 1, 2015.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board did not review or rely on a study in its evaluation of or justification for any rule in this rulemaking.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

The economic impact of the rule changes will be minimal because the changes simply make the rules consistent with statutory changes made by the legislature.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

R4-26-404.1, which addresses educational requirements, was amended to exclude from some of the requirements an applicant certified as a behavior analyst by the BACB before January 1, 2015.

This change, which is not substantial under the standards at A.R.S. § 41-1025(B), was made to align the requirements with those in R4-26-405, which addresses coursework requirements. The Board determined it would be an unnecessary regulatory burden, inconsistent with legislative intent, and not in the best interest of the public, to impose an educational requirement on an individual certified by the BACB that caused the certified individual to be ineligible for licensure in Arizona.

R4-26-404.2, which addresses supervised experience requirements, was removed from the final rulemaking to enable the Board to address concerns about application of the requirements to an individual certified by the BACB before January 1, 2015.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

No comments were received regarding the rulemaking. No one attended an oral proceeding on October 17, 2016.

12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The licenses listed in R4-26-417 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

There are numerous federal laws that apply to provision of health care but none is directly applicable to this rulemaking.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

BACB Professional and Ethical Compliance Code for Behavior Analysts, January 1, 2016, published by the BACB and available from the Board or at www.bacb.com. The material is incorporated at R4-26-406.



14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

No rule in the rulemaking was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

**TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS**

ARTICLE 4. BEHAVIOR ANALYSIS

Section

R4-26-401.	Definitions
R4-26-403.	Application for Initial License
R4-26-404.	<u>License Examination Requirement</u>
<u>R4-26-404.1.</u>	<u>Education Requirement</u>
R4-26-405.	Coursework Requirement
R4-26-406.	Ethical Standard
R4-26-407.	License by Reciprocity
R4-26-408.	License Renewal
R4-26-409.	Continuing Education Requirement
R4-26-410.	Voluntary Inactive Status
R4-26-414.	Complaints and Investigations
R4-26-417.	Licensing Time frames <u>Time Frames</u>

ARTICLE 4. BEHAVIOR ANALYSIS

R4-26-401. Definitions

A. The definitions in A.R.S. § 32-2091 apply in this Article.

B. Additionally, in this Article:

1. "Accredited" means an institution of higher education:

a. In the U.S. is listed with the Council for Higher Education Accreditation.

b. In Canada is a member of the Universities Canada, and

c. Outside of the U.S. or Canada is determined by a member of the National Association of Credential Evaluation Services to have standards substantially similar to those of an institution of higher education in the U.S. or Canada.

~~1-2.~~ "Advertising" means any media used to disseminate information regarding the qualifications of a behavior analyst in order to solicit clients for behavior analysis services, regardless of whether the behavior analyst pays for the advertising.

~~2-3.~~ "Applicant" means an individual who applies to the Board for an initial or renewal license.

~~3-4.~~ "BACB" means the Behavior Analyst Certification Board.

~~4-5.~~ "Confidential information" means:

a. Minutes of an executive session of the Board except as provided under A.R.S. § 38-431.03(B);

b. A record that is classified as confidential by a statute or rule applicable to the Board;

c. Materials relating to an investigation by the Board, including a complaint, response, client record, witness statement, investigative report, and any information relating to a client's diagnosis, treatment, or personal family life; and

d. The following regarding an applicant or licensee:

i. College or university transcripts if requested from the Board by a person other than the applicant or licensee;

ii. Home address, telephone number, and e-mail address;

iii. Test scores;

iv. Date of birth;

v. Place of birth; and

vi. Social Security number.

~~5-6.~~ "Gross negligence" means an extreme departure from the ordinary standard of care.

~~6-7.~~ "Inactive status" means a behavior analyst maintains a license as a behavior analyst but is prohibited from practicing behavior analysis or holding oneself out as practicing behavior analysis in Arizona.

~~7-8.~~ "License period" means:

a. For a licensee who holds an odd-numbered license, the two years between May 1 the first day of the month after the licensee's birth month of one odd-numbered year and April 30 the last day of the licensee's birth month of the next odd-numbered year; and

b. For a licensee who holds an even-numbered license, the two years between the first day of the month after the licensee's birth month of one even-numbered year and the last day of the licensee's birth month of the next even-numbered year.

~~8-9.~~ "Mitigating circumstances that prevent resolution" means factors the Board considers in reviewing allegations against an applicant or licensee of unprofessional conduct occurring in another regulatory jurisdiction when the allegations would not prohibit licensure in Arizona. The factors may include:

a. Nature of the alleged conduct,

b. Severity of the alleged conduct,

c. Recentness of the alleged conduct,



- d. Actions taken by the applicant to remedy potential violations, and
- e. Whether the alleged conduct was an isolated incident or part of a recurring pattern.
- 9-10. "Party" means the Board, an applicant, a licensee, or the state.
- 10-11. "Psychometric testing materials" means manuals, instruments, protocols, and questions or stimuli used in testing.
- 11-12. "Raw test data" means test scores, client responses to test questions or stimuli, and a behavior analyst's notes and recordings concerning client statements and behavior during examination.
- 12. ~~"Recognized accrediting agency" means a regional accrediting agency recognized by the U.S. Department of Education or a quality assurance or accreditation entity authorized to operate by a foreign government.~~
- 13. "Regulatory jurisdiction" means a state or territory of the United States, the District of Columbia, or a foreign country with authority to grant or deny entry into a profession or occupation.
- 14. "Renewal year" means:
 - a. Each odd-numbered year for a licensee who holds an odd-numbered license, and
 - b. Each even-numbered year for a licensee who holds an even-numbered license.
- 14-15. "Supervised experience" means supervised ~~work experience~~, independent fieldwork, ~~university~~ practicum, or intensive ~~univer-~~ sity practicum.

R4-26-403. Application for Initial License

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. No change
 - 11. No change
 - 12. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. Has a medical, physical, or psychological condition that limits the applicant's ability to practice behavior analysis safely and competently; and
 - 13. ~~Name and address of every institution of higher learning attended, dates attended, degree received, name of department, and major subject area studied;~~
 - 14. ~~Title of graduate degree program;~~
 - 15. ~~Name of major advisor and department;~~
 - 16. ~~Title of thesis or dissertation, if applicable;~~
 - 17. ~~Title of specialty area, if applicable;~~
 - 18. ~~A statement of whether:~~
 - a. ~~The graduate program completed was accredited at the time of graduation and if so, the name of the accrediting agency;~~
 - b. ~~The applicant completed a minimum of 225 classroom hours of graduate-level instruction that meet the standards prescribed under R4-26-405; and~~
 - c. ~~The applicant completed degree, coursework, and supervised experience after January 1, 2000, and if so, whether the applicant completed 1,500 hours of supervised experience in the practice of behavior analysis in no less than 12 months; or~~
 - d. ~~The applicant completed degree, coursework, or supervised experience before January 1, 2000, and if so, whether:~~
 - i. ~~The coursework or supervised experience occurred in a setting outside of a college or university program;~~
 - ii. ~~The coursework or supervised experience was acquired after the graduate degree program and before January 1, 2000; and~~
 - iii. ~~The applicant is certified by the BACB;~~
 - 19. ~~A list of the applicant's supervised experience and the names of individuals the applicant has asked to complete verification forms under subsection (C);~~
 - 20. ~~A statement of whether the applicant has completed a minimum of 1,500 hours of supervised experience in behavior analysis that meets the requirements under A.R.S. § 32-2091.03;~~
 - 21. ~~A statement of whether the applicant's supervised experience included:~~



- a. ~~Conducting behavioral assessment and assessment activities related to the need for behavioral interventions;~~
- b. ~~Designing, implementing, and monitoring behavior analysis programs for clients;~~
- c. ~~Overseeing the implementation of behavior analysis programs by others; and~~
- d. ~~Performing or participating in other activities normally performed by a behavior analyst;~~

~~22-13.~~ The applicant's signature attesting that all statements in the application are true in every respect.

- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- C. Additionally, an applicant shall ensure that the following is submitted directly to the Board:
 - 1. Verification ~~that~~ the applicant ~~has~~ passed the examination referenced in R4-26-404 submitted by the BACB;
 - 2. Verification of supervised experience submitted by an individual with direct knowledge of the supervised ~~work~~ experience, ~~independent fieldwork, university practicum, or intensive university practicum;~~
 - 3. Official transcripts from all graduate institutions attended transcript for the graduate degree required under R4-26-404.1 submitted by the institutions accredited institution of higher education that awarded the degree;
 - 4. Official transcript or other official document demonstrating the applicant completed the coursework required under R4-26-405 submitted by the accredited institution of higher education or BACB-approved program in which the coursework was completed; and
 - 4-5. Verification of licensure, certification, or registration by another regulatory jurisdiction submitted by the regulatory jurisdiction.

R4-26-404. License Examination Requirement

- ~~A.~~ To be licensed as a behavior analyst in Arizona, an individual shall take and pass the examination administered by the BACB for Board Certified Behavior Analysts as part of its certification process.
- ~~B.~~ ~~An individual who fails the BACB examination three times, regardless of jurisdiction, shall not take the examination again until the individual complies with additional requirements that the Board specifies based on an assessment of the knowledge and skill inadequacies causing the individual to fail.~~

R4-26-404.1. Education Requirement

- A. This Section does not apply to an applicant who was certified as a behavior analyst by the BACB before January 1, 2015.
- B. To be licensed as a behavior analyst in Arizona, an individual shall have a master's degree or higher from an accredited institution of higher education in:
 - 1. Behavior analysis, education, psychology, or another subject area related to behavior analysis acceptable to the Board; or
 - 2. A degree program in which the applicant completed a BACB-approved course sequence.

R4-26-405. Coursework Requirement

- A. This Section does not apply to an applicant who was certified as a behavior analyst by the BACB before January 1, 2015.
- ~~A-B.~~ ~~As required under A.R.S. § 32-2091.03(A)(3) To be licensed as a behavior analyst in Arizona, an applicant for licensure individual shall complete, as part of or in addition to the coursework necessary to obtain the graduate degree required under A.R.S. § 32-2091.03(A)(1) R4-26-404.1, 225 270 classroom hours of graduate-level instruction. The applicant individual shall ensure that the classroom hours include the following content areas:~~
 - 1. ~~Ethical and professional conduct in behavior analysis: 45 45 hours;~~
 - 2. ~~Definitions and characteristics; principles, processes, and concepts Concepts and principles of behavior analysis: 45 hours;~~
 - 3. ~~Behavioral assessment; selecting intervention outcomes and strategies Research methods in behavior analysis: 30 45 hours;~~
 - a. Measurement and data analysis: 25 hours; and
 - b. Experimental design: 20 hours;
 - 4. ~~Experimental evaluation of interventions: 20 hours; Applied behavior analysis: 105 hours;~~
 - a. Fundamental elements of behavior change and specific behavior change procedures: 45 hours;
 - b. Identification of the problem and assessment: 30 hours;
 - c. Intervention and behavior change considerations: 10 hours;
 - d. Behavior change systems: 10 hours; and
 - e. Implementation, management, and supervision: 10 hours; and
 - 5. ~~Measurement of behavior; displaying and interpreting behavioral data: 20 hours;~~
 - 6. ~~Behavioral change procedures; systems support: 45 hours; and~~
 - 7. ~~Discretionary content related to behavior analysis: 50 30 hours.~~

- ~~B-C.~~ The Board shall accept ~~only~~ classroom hours of graduate-level instruction ~~taken completed~~ at an ~~institution~~ accredited by a recognized accrediting agency institution of higher education or in a program approved by the BACB.

R4-26-406. Ethical Standard

The Board incorporates by reference BACB ~~Guidelines for Responsible Conduct~~ Professional and Ethical Compliance Code for Behavior Analysts, ~~July 2010 January 1, 2016~~, published by the BACB and available for review at the Board office and online at www.BACB.com. The incorporated material includes no later editions or amendments.

R4-26-407. License by Reciprocity

An individual who is licensed or certified as a behavior analyst in another state may apply for an initial license as a behavior analyst in Arizona by complying with R4-26-403 and submitting evidence that the individual is licensed or certified as a behavior analyst in good standing and:



1. Obtained a graduate degree from an accredited institution of higher learning accredited by a recognized accrediting agency education in a subject area specified in R4-26-404.1;
2. Completed a minimum of 1,500 hours of supervised experience;
3. Completed a minimum of ~~225~~ 270 classroom hours of graduate-level instruction in the content areas listed in R4-26-405 or was certified as a behavior analyst by the BACB before January 1, 2015; and
4. Passed the examination referenced in R4-26-404.

R4-26-408. License Renewal

- A. ~~A Beginning May 1, 2017, a~~ license issued by the Board, whether active or inactive, expires on ~~May 1 of every odd-numbered year unless renewed the last day of a licensee's birth month during the licensee's renewal year.~~
- B. The Board shall provide a licensee with 60 ~~days~~ days' notice of the license renewal deadline. Failure to receive the notice does not excuse failure to renew timely.
- C. To renew a license, a licensee shall, on or before ~~April 30 of every odd-numbered~~ the last day of the licensee's birth month during the licensee's renewal year, submit to the Board a renewal application form, which is available from the Board office and on its website, and provide the following information:
 1. License number;
 2. Name;
 3. Other names by which the licensee is or ever has been known;
 4. Home address and telephone number;
 5. Business name and address;
 6. Work telephone and fax number;
 7. E-mail address;
 8. Date of birth;
 9. Social Security number;
 10. BACB certificate number if applicable;
 11. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - n. No change
 12. No change
 13. No change
 14. No change
- D. No change
 1. No change
 2. No change
 3. No change
- E. No change
- F. Under A.R.S. § 32-2091.07, the license of a licensee who fails to submit a renewal application on or before ~~April 30 of an odd-numbered~~ the last day of the licensee's birth month during the licensee's renewal year expires and the licensee shall immediately stop practicing as a behavior analyst in Arizona.
- G. A behavior analyst whose license expires under subsection (F) may have the license reinstated by submitting the following to the Board ~~on or before June 30 of the year in which the license expired~~ within two months after last day of the licensee's birth month during the licensee's renewal year:
 1. No change
 2. No change
 3. No change
- H. No change
 1. Complying with ~~subsections (G)(1) through (3) on or before the following April 30th~~ subsection (G) within one year after the last day of the licensee's birth month during the licensee's renewal year, and
 2. No change
- I. No change

R4-26-409. Continuing Education Requirement

- A. A licensee shall complete a minimum of 30 hours of continuing education during each license period. A licensee shall ensure that at least four hours of continuing education addresses ethics.



- B. During a licensee's first license period, the licensee shall complete a pro-rated number of continuing education hours. To determine the number of continuing education hours required during the first license period, the licensee shall multiply the number of whole months from the month of license issuance to the end of the license period by 1.25.
- C. A licensee shall ensure that each continuing education program provides the necessary understanding of current developments, skills, or procedures related to the practice of behavior analysis. The following provide the necessary understanding of current developments, skills, or procedures related to the practice of behavior analysis:
 - ~~1. Continuing education programs offered by a BACB-approved provider: One hour of continuing education for each hour of participation;~~
 - ~~2.1. Courses College or university graduate coursework~~ that directly ~~relate~~ relates to behavior analysis and ~~are~~ is provided by an accredited educational institution: 15 hours of continuing education for each semester hour completed and 10 hours of continuing education for each quarter hour completed; a course syllabus and transcript are required for documentation;
 - ~~2. Continuing education programs offered by a BACB-approved provider: One hour of continuing education for each hour of participation; a certificate or letter from the BACB-approved provider is required for documentation;~~
 - 3. Self-study, online, or correspondence course that is directly related to behavior analysis and offered by BACB-approved provider or approved or offered by an accredited educational institution: Hours of continuing education determined by the course provider; a certificate or letter from the BACB-approved provider or a course syllabus and transcript from the accredited educational institution are required for documentation;
 - 4. Teaching a continuing education program offered by a BACB-approved provider or ~~approved or~~ teaching a graduate university or college course offered by an accredited educational institution: One hour of continuing education for each hour taught; for graduate courses taught, 15 hours of continuing education for each semester hour completed and 10 hours of continuing education for each quarter hour completed;
 - 5. Credentialing activities ~~approved or~~ events pre-approved for continuing education and initiated by the BACB: One hour of continuing education for each hour of participation; documentation from the BACB is required;
 - 6. Publication of a peer-reviewed article or text book on the practice of behavior analysis or serving as a reviewer or action editor of an article pertaining to behavior analysis: ~~15~~ eight hours of continuing education for one publication and one hour of continuing education for one review; and
 - 7. Attending a Board meeting: ~~Two~~ Three hours for attending a morning or afternoon session of a Board meeting and ~~four~~ six hours for attending a full-day Board meeting.
- D. The number of hours of continuing education is limited as follows:
 - 1. No more than ~~25~~ 50 percent of the required hours may be obtained from teaching a continuing education program or course under subsection (C)(4). A licensee shall not obtain continuing education hours for teaching the same continuing education program or course more than ~~two times~~ once during each licensing period. A licensee shall earn no continuing education hours for participating as a member of a panel at a continuing education program or course;
 - 2. No more than 25 percent of the required hours may be obtained from continuing education under ~~subsections~~ each of subsections (C)(3), and (5), and (6).
 - 3. No more than six of the required hours may be obtained under subsection (C)(7). Hours obtained under subsection (C)(7) may be used to complete the ethics requirement under subsection (A).
 - 4. Hours obtained in excess of the minimum required during a license period shall not be carried over to a subsequent license period.
- E. A licensee shall obtain a certificate or other evidence of attendance from the provider of each continuing education program or course attended that includes the following:
 - 1. Name of the licensee;
 - 2. Title of the continuing education;
 - 3. Name of the continuing education provider;
 - 4. Date, time, and location of the continuing education; and
 - 5. Number of hours of continuing education obtained.
- F. A licensee shall maintain the evidence of attendance described in subsection (E) for two licensing periods and make the evidence available to the Board upon request.
- ~~G. The Board may audit a licensee's compliance with the continuing education requirement. The Board may deny license renewal or take other disciplinary action against a licensee who fails to obtain or document the required continuing education hours. The Board may discipline a licensee who commits fraud, deceit, or misrepresentation regarding the continuing education hours.~~
- H. A licensee who cannot comply with the continuing education requirement for good cause may seek an extension of time in which to comply by submitting a written request to the Board with the timely submission of the renewal application required under R4-26-408.
 - 1. Good cause includes but is not limited to illness or injury of the licensee or a close family member, death of a close family member, birth or adoption of a child, military service, relocation, natural disaster, financial hardship, or residence in a foreign country for at least 12 months of the license period.
 - 2. The Board shall not grant an extension longer than one year.
 - 3. A licensee who obtains hours of continuing education during an extension of time provided by the Board shall ensure the hours are reported only for the license period extended.
 - 4. A licensee who cannot comply with the continuing education requirement within an extension may apply to the Board for inactive license status under A.R.S. § 32-2091.06(E).

R4-26-410. Voluntary Inactive Status

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change



- B. No change
- C. To remain licensed, a licensee on inactive status shall comply with R4-26-408 on or before ~~April 30 of every odd-numbered~~ the last day of the licensee's birth month during the licensee's renewal year.

R4-26-414. Complaints and Investigations

- A. No change
 - 1. No change
 - 2. No change
- B. No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. Whether the complainant has contacted the licensee or other individual concerning the complaint and if so, the response, if any.

R4-26-417. Licensing ~~Time-frames~~ Time Frames

- A. For the purpose of A.R.S. § 41-1073, the Board establishes the following ~~time-frames~~ time frames:
 - 1. Initial license.
 - a. Overall ~~time-frame~~ time frame: 120 days,
 - b. Administrative completeness review ~~time-frame~~ time frame: 30 days, and
 - c. Substantive review ~~time-frame~~ time frame: 90 days; and
 - 2. Renewal license.
 - a. Overall ~~time-frame~~ time frame: 150 days,
 - b. Administrative completeness review ~~time-frame~~ time frame: 60 days, and
 - c. Substantive review ~~time-frame~~ time frame: 90 days; ~~and~~.
- B. An applicant and the Executive Director of the Board may agree in writing to extend the substantive review and overall ~~time-frames~~ time frames by no more than 25% of the overall ~~time-frame~~ time frame.
- C. The administrative completeness review ~~time-frame~~ time frame begins when the Board receives the application materials required under R4-26-403 or R4-26-408(C) and (D). During the administrative completeness review ~~time-frame~~ time frame, the Board shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the Board shall specify in the notice what information is missing.
- D. An applicant whose application is incomplete shall submit the missing information to the Board within 240 days for an initial license. Both the administrative completeness review and overall ~~time-frames~~ time frames are suspended from the date of the Board's notice under subsection (C) until the Board receives all of the missing information.
- E. Upon receipt of all missing information, the Board shall notify the applicant that the application is complete. The Board shall not send a separate notice of completeness if the Board grants or denies a license within the administrative completeness review ~~time-frame~~ time frame listed in subsection (A)(1)(b) or (A)(2)(b).
- F. The substantive review ~~time-frame~~ time frame begins on the date of the Board's notice of administrative completeness.
- G. No change
- H. An applicant who receives a request under subsection (G) shall submit the additional information to the Board within 240 days. Both the substantive review and overall ~~time-frames~~ time frames are suspended from the date of the Board's request until the Board receives the additional information.
- I. No change
- J. Within the overall ~~time-frame~~ time frame listed in subsection (A), the Board shall:
 - 1. No change
 - 2. No change
- K. No change
- L. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- M. If a ~~time-frame's~~ time frame's last day falls on a Saturday, Sunday, or official state holiday, the next business day is the ~~time-frame's~~ time frame's last day.



NOTICE OF FINAL RULEMAKING
TITLE 17. TRANSPORTATION
CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

[R17-04]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| Article 9 | Amend |
| R17-5-901 | Repeal |
| R17-5-901 | New Section |
| R17-5-902 | Repeal |
| R17-5-902 | New Section |
| R17-5-903 | Repeal |
| R17-5-903 | New Section |
| R17-5-904 | Repeal |
| R17-5-904 | New Section |
| R17-5-905 | Repeal |
| R17-5-905 | New Section |
| R17-5-906 | Repeal |
| R17-5-906 | New Section |
| Article 10 | New Article |
| R17-5-1001 | New Section |
| R17-5-1002 | New Section |
| R17-5-1003 | New Section |
| R17-5-1004 | New Section |
| R17-5-1005 | New Section |
| R17-5-1006 | New Section |
| R17-5-1007 | New Section |
| R17-5-1008 | New Section |
| R17-5-1009 | New Section |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statutes (general) and the implementing statutes (specific):**
 Authorizing statutes: A.R.S. §§ 28-366, 28-9502(A) and 28-9502(B)(2)
 Implementing statutes: Title 28, Chapter 30, Articles 1, 2, and 3, Arizona Revised Statutes
- 3. The effective date of the rules:**
 March 6, 2017
- a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
 Not applicable
- b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**
 Not applicable
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**
 Notice of Final Exempt Rulemaking: 21 A.A.R. 1825, September 11, 2015
 Notice of Docket Opening: 22 A.A.R. 2090, August 12, 2016
 Notice of Proposed Rulemaking: 22 A.A.R. 2597, September 23, 2016
- 5. The agency's contact person who can answer questions about the rulemaking:**
 Name: Jane McVay
 Address: Department of Transportation
 Government Relations and Policy Development Office
 206 S. 17th Ave., Mail Drop 140A
 Phoenix, AZ 85007
 Telephone: (602) 712-4279
 E-mail: jmcvay@azdot.gov
 Web site: Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at
 www.azdot.gov/about/GovernmentRelations
- 6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
 ADOT received approval from Rene Guillen at the Governor's Office on July 11, 2016 to make rule changes necessary to imple-



ment Laws 2016, Chapters 171 and 232. The Department of Weights and Measures (DWM) received approval from Ted Vogt at the Governor's Office on July 2, 2015 to implement Laws 2015, Chapter 235. Laws 2015, Chapter 244 transferred the regulation of vehicles for hire (taxi, livery vehicles, and limousines) from the Department of Weights and Measures to ADOT effective July 1, 2016. In addition, Laws 2015, Chapter 235, gave new authority to DWM to regulate transportation network companies. These statutes directed Legislative Council to transfer the applicable statutes and authority over transportation network companies and vehicles for hire to ADOT in A.R.S. Title 28. To accelerate the program transfer, ADOT assumed responsibility for the transportation network company and vehicle for hire company programs on August 1, 2015. ADOT filed exempt rules on transportation network companies that became effective on August 31, 2015. The Legislature made additional changes in Laws 2016, Chapters 171 and 232, which eased the regulatory requirements for vehicles for hire in a similar fashion to the regulatory requirements for transportation network companies in the 2015 legislation. These proposed rules implement these legislative changes.

A.R.S. § 28-9552 prohibits a transportation network company driver from operating in the state unless the transportation network company obtains a permit from ADOT and pays an application fee, as determined by the Director. ADOT consulted with existing transportation network companies to establish an application fee that the companies felt was fair for both large and small transportation network companies. The exempt transportation network company rules established an application fee of \$1,000 for a transportation network company permit that is valid for three years. A.R.S. § 41-1008 provides that a fee established by exempt rulemaking is effective for two years, and an agency shall not charge the fee after this period unless the agency goes through the rulemaking process.

A.R.S. § 28-9502(A) requires ADOT to adopt rules necessary to administer and enforce the vehicle for hire and transportation network company statutes. A.R.S. § 28-9503 requires ADOT to charge and collect an application fee of \$24 per vehicle used as a taxi by a vehicle for hire company at the time of application. To ensure fairness between transportation network companies and taxi companies, the Legislature placed a cap of \$1,000 as an application fee for a taxi company over three years, in similar fashion to the transportation network company permit fee of \$1,000 for a three-year permit. This caps the total amount that a vehicle for hire company that operates 42 or more taxis pays over a three-year period at \$1,000.

To avoid confusion with the prior exempt rulemaking for transportation network companies, the rulemaking actions for the rules in Article 9 are "repeal" to repeal the exempt rules, and "new section" to show the new rule language. The rulemaking adds a new Article 10 on vehicles for hire that includes provisions on taxis, livery vehicles, and limousines.

The rules do the following:

Define terms relating to vehicles for hire and transportation network companies, and incorporate by reference taximeter specifications;

Establish the permitting and application requirements, and applicable fees for a transportation network company, and a vehicle for hire company to operate in the state;

Require transportation network companies and vehicle for hire companies to establish a designated point of contact for the company and allow ADOT to review company records;

State the circumstances under which livery vehicles must post fares; and

Reference the hearing procedures applicable to appealable agency actions and contested cases for vehicle for hire companies.

7. **A reference to any study relevant to the rules that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The agency did not review or rely on any study relevant to the rules.

8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Laws 2015, Chapter 235, amended A.R.S. § 28-142, by expanding the state preemption to regulate taxis, limousines, and livery vehicles to include transportation network companies and vehicles. The law contains an exception for public airports to establish the number of livery vehicles, taxis, and transportation network companies and vehicles that conduct business at a public airport, or to set additional or more restrictive requirements on their operation at a public airport. The rules do not diminish the authority of political subdivisions over transportation network companies or taxis, livery vehicles, or limousines.

9. **A summary of the economic, small business, and consumer impact:**

A.R.S. § 41-1001 defines a small business as a concern that is independently owned and operated, not dominant in its field, and which employs fewer than 100 full-time employees, or which had gross annual receipts of less than \$4,000,000 last fiscal year. As of August 2016, a total of 263 businesses have valid vehicle for hire company permits. The vast majority of the taxi, livery, and limousine companies are small businesses with a vehicle fleet of fewer than 10 vehicles. Several companies have very large fleets. Seven transportation network companies have a transportation network company permit in the state. Several ride-sharing businesses that operate in many cities and states throughout the U.S. have permits, are large businesses that generate substantially more than \$4,000,000 annually. A number of vehicle for hire companies that have formed recently fall within the definition of a small business.

The transportation network company rules establish an application fee of \$1,000 for a transportation network company permit that lasts for three years. On an annual basis, a transportation network company permit costs about \$333 per year, which allows the company to operate statewide with an unlimited number of rideshare drivers. The large transportation network companies have thousands of rideshare drivers in the state and generate substantially more than \$4,000,000 in revenue.

ADOT representatives consulted with transportation network company representatives to discuss setting a reasonable fee for a vehicle for hire company. Transportation network company representatives agreed with the Department that a \$1,000 fee for a



three-year permit was a fair and reasonable fee to operate their business in the state. The transportation network company, and not the rideshare driver, pays the application fee to ADOT. Transportation network companies or transportation network company drivers are required under the statutes to have commercial liability insurance or motor vehicle liability coverage at established levels while conducting rideshare business. The insurance coverage must be maintained by either the driver or the transportation network company. It is likely that transportation network companies may pass on a small portion of the application fee to the customer, however, the quick growth of rideshare company business does not indicate customer displeasure with paying a portion of the fee. With the volume of rideshare business occurring in large cities, it does not appear that the amount passed on to a customer on a single trip is substantial. Customers, especially those without a personal vehicle, benefit by having more transportation options from numerous ridesharing businesses with varying rates set by the companies. The fast growth of ridesharing companies also provides employment opportunities for persons who own a vehicle, have a smartphone, and meet other company and state statutory requirements.

Prior to ADOT's regulation of vehicles for hire, the Department of Weights and Measures (DWM) performed this function. DWM statutes required a person who used a commercial device in the form of a taximeter in a taxi to pay an annual fee of \$24 per taximeter. This fee was changed to an application fee of \$24 payable by each taxi company for each vehicle used as a taxi at the time of application. The Legislature also extended the permit to 3 years in similar fashion to the transportation network company permit and established a cap over 3 years of \$1,000 for a vehicle for hire company to ensure fairness between transportation network companies and vehicle for hire companies. These changes benefit small vehicle for hire companies by lengthening the permit period and essentially reducing the annual fee. Large companies with more than 42 taxis also benefit with the \$1,000 cap by paying less than they were charged previously. For a small taxi company, the \$24 fee for a three-year period is a minimal business cost. Livery vehicle and limousine businesses do not pay any fees, but must obtain a vehicle for hire company permit.

The Department incurred costs of \$147,160 to completely automate and streamline the application and fee payment process for vehicle for hire and transportation network companies through a secure website. Fees collected by the Department from vehicle for hire and transportation network companies are deposited in the state general fund, thus increasing state revenue. The streamlining and automation of the application and payment process, and the reduction in regulatory requirements for vehicle for hire and transportation network companies are an incentive for new business development, particularly as a result of lowering the regulatory burden on these businesses.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

The Department made several changes to the rules in response to comments by the Governor's Regulatory Review Council. In R17-5-1002, the Department added this sentence: "The incorporated material is on file with the Department at 206 S. 17th Avenue, Phoenix, AZ." In R17-5-903(C), the Department deleted "when".

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Department conducted an oral proceeding on the rules on November 2, 2016 with two stakeholders present. No oral testimony was received, but the Department received and accepted written comments from representatives of two large transportation network companies in support of the approval of the transportation network company rules. The close of record on the rules was November 2, 2016 at 5 p.m.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rules or class of rules. Additionally, an agency subject to Council review under A.R.S. § 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rules require a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

A.R.S. § 28-9503 provides that a vehicle for-hire company may not operate in this state without a Department-issued vehicle for hire company permit. A person may not act as a transportation network company driver in the state unless the transportation network company has a transportation network company permit from ADOT. The vehicle for hire company permit and the transportation network company permit are general permits because the activities and practices authorized by each class of permit are substantially similar in nature for all companies that have the permit.

b. Whether a federal law is applicable to the subject of the rules, whether the rules are more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

No federal law is applicable to the rules, so the rules are not more stringent than federal law.

c. Whether a person submitted an analysis to the agency that compares the rules' impact on the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted to the Department.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

The rules incorporate by reference in R17-5-1002 the U.S. Department of Commerce, National Institute of Standards and Technology (NIST) *Handbook 44*, Section 5.5.4, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, revised in 2016.

14. Whether the rules were previously made, amended, or repealed as emergency rules. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The rules were not previously made, amended, or repealed as emergency rules.

15. The full text of the rules follows:



**TITLE 17. TRANSPORTATION
CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS**

ARTICLE 9. ~~TRANSPORTATION SERVICE PROVIDERS~~ TRANSPORTATION NETWORK COMPANIES

Section

- R17-5-901. ~~Definitions~~ Definitions
- R17-5-902. ~~Transportation Network Company Permit - Initial Application; Issuance; Fee~~ Transportation Network Company Permit - Initial Application; Issuance; Fee
- R17-5-903. ~~Transportation Network Company Permit - Renewal Application; Issuance; Fee~~ Transportation Network Company Permit - Renewal Application; Issuance; Fee
- R17-5-904. ~~Transportation Network Company Permit and Renewal - General Provisions~~ Transportation Network Company Permit or Renewal - General Provisions
- R17-5-905. ~~Transportation Service Provider - Record Review~~ Transportation Network Company - Record Review
- R17-5-906. ~~Transportation Service Provider - Designated Point of Contact~~ Transportation Network Company - Designated Point of Contact

ARTICLE 10. VEHICLE FOR HIRE

Section

- R17-5-1001. Definitions
- R17-5-1002. Incorporation by Reference
- R17-5-1003. Vehicle for Hire Company Permit; Good Standing; Handbook 44
- R17-5-1004. Vehicle for Hire Company Permit - Initial Application; Issuance; Fee
- R17-5-1005. Vehicle for Hire Company Permit - Renewal Application; Issuance; Fee
- R17-5-1006. Vehicle for Hire Company Permit or Renewal - General Provisions
- R17-5-1007. Vehicle for Hire Company; Record Review; Inspection
- R17-5-1008. Posting of Fares
- R17-5-1009. Appealable Agency Actions; Rehearing; Judicial Review

ARTICLE 9. ~~TRANSPORTATION SERVICE PROVIDER~~ TRANSPORTATION NETWORK COMPANIES

R17-5-901. ~~Definitions~~ Definitions

In addition to the definitions provided under A.R.S. § 28-9551, when applicable to a transportation network company, and A.R.S. § 41-2051, when applicable to an owner of a taxi, livery vehicle, or limousine, the following definitions apply to this Article unless otherwise specified:

“Applicant” means a person that meets the statutory requirements of a transportation network company as prescribed under A.R.S. Title 28, Chapter 30, Article 3.

“Designated point of contact” means a person employed by a transportation service provider who has the authority to gather and provide records to the Department on request.

“Transportation network company permit” means a document issued by the Department to an applicant that meets the requirements prescribed under A.R.S. Title 28, Chapter 30, Article 3, as authorization to conduct transportation network services in this state.

“Transportation service provider” means the owner of a taxi, livery vehicle, limousine, or transportation network company.

“Violation” means a failure to maintain or make available to the Department any records the transportation service provider is required to maintain and provide to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556, when applicable to a transportation network company, and A.R.S. § 41-2097 when applicable to an owner of a taxi, livery vehicle, or limousine.

In addition to the definitions provided under A.R.S. § 28-9551, when applicable to a transportation network company, the following definitions apply to this Article unless otherwise specified:

“Applicant” means a person that meets the statutory requirements of a transportation network company as prescribed under A.R.S. Title 28, Chapter 30, Article 3.

“Designated point of contact” means a person employed by a transportation network company who has the authority to gather and provide records to the Department on request.

“Transportation network company permit” means a document issued by the Department to an applicant that meets the requirements prescribed under A.R.S. Title 28, Chapter 30, Article 3, as authorization to conduct transportation network services in this state.

“Violation” means a failure to maintain or make available to the Department any records the transportation network company is required to maintain and provide to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556.

R17-5-902. ~~Transportation Network Company Permit - Initial Application; Issuance; Fee~~ Transportation Network Company Permit - Initial Application; Issuance; Fee

~~A.~~ An applicant for a transportation network company permit issued by the Department under A.R.S. § 28-9552, shall apply to the Department by:



1. Completing and submitting online the application form provided by the Department at www.azdot.gov;
 2. Providing the full name and contact information of the applicant's agent for service of process in this state;
 3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3;
 4. Filing a legible illustration of the applicant's trade dress; and
 5. Paying a \$1,000 application fee as provided under A.R.S. § 28-9552(A).
- B.** Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit.
- C.** The application fee paid to the Department under subsection (A) is refundable in full if the transportation network company permit application is:
1. Denied by the Department, or
 2. Withdrawn by the applicant before the Department issues a transportation network company permit.
- D.** A transportation network company permit issued by the Department under this Section expires three years after issuance and may be renewed as provided under R17-5-903.
- A.** An applicant for a transportation network company permit issued by the Department under A.R.S. § 28-9552, shall apply to the Department by:
1. Completing and submitting online the application form provided by the Department at www.azdot.gov;
 2. Providing the full name and contact information of the applicant's agent for service of process in this state;
 3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3;
 4. Filing a legible illustration of the applicant's trade dress; and
 5. Paying a \$1,000 application fee as provided under A.R.S. § 28-9552(A).
- B.** Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit.
- C.** The application fee paid to the Department under subsection (A) is refundable in full if the transportation network company permit application is:
1. Denied by the Department, or
 2. Withdrawn by the applicant before the Department issues a transportation network company permit.
- D.** A transportation network company permit issued by the Department under this Section expires three years after issuance and may be renewed as provided under R17-5-903.

R17-5-903. ~~Transportation Network Company Permit – Renewal Application; Issuance; Fee~~ Transportation Network Company Permit – Renewal Application; Issuance; Fee

- A.** A transportation network company shall apply to the Department for renewal of a transportation network company permit issued by the Department under A.R.S. § 28-9552 and R17-5-902, no earlier than 90 days, and no later than 30 days, before the permit expires by:
1. Completing and submitting online the renewal application form provided by the Department at www.azdot.gov;
 2. Filing with the Department a legible illustration of the applicant's trade dress if different than the illustration already on file with the Department;
 3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3; and
 4. Paying a \$1,000 renewal application fee as provided under A.R.S. § 28-9552(A).
- B.** Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit renewal.
- C.** A transportation network company permit renewal issued by the Department under this Section expires three years after the date the existing transportation network company permit expires.
- D.** The holder of an expired transportation network company permit may apply to the Department for a new transportation network company permit using the initial application procedure provided under R17-5-902.
- A.** A transportation network company shall apply to the Department for renewal of a transportation network company permit issued by the Department under A.R.S. § 28-9552 and R17-5-902, no earlier than 90 days, and no later than 30 days, before the permit expires by:
1. Completing and submitting online the renewal application form provided by the Department at <https://secure.servicearizona.com>;
 2. Filing with the Department a legible illustration of the applicant's trade dress if different than the illustration already on file with the Department;
 3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3; and
 4. Paying a \$1,000 renewal application fee as provided under A.R.S. § 28-9552(A).
- B.** Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit renewal.
- C.** A transportation network company permit renewal issued by the Department expires three years after the date the existing transportation network company permit expires.
- D.** The holder of an expired transportation network company permit may apply to the Department for a new transportation network company permit using the renewal application procedure provided under R17-5-903(A).

R17-5-904. ~~Transportation Network Company Permit and Renewal – General Provisions~~ Transportation Network Company Permit or Renewal – General Provisions

- A.** A transportation network company permit or renewal issued by the Department under this Article shall include an assigned number that remains effective until either withdrawn by the Department or until it expires.
- B.** A transportation network company permit or renewal issued by the Department under this Article shall not be transferred or assigned, in whole or in part, to any person other than the person to whom the permit is issued, except upon a merger, change in control, or sale



of substantially all of the transportation network company's assets to an entity that assumes the duties and obligations of the permit. The transportation network company shall notify the Department within 30 days of such a transfer or assignment, and the Department shall have 30 days beginning on such notification to nullify the transfer or assignment based on the criteria set forth in this Article. An initial public offering shall not be deemed to trigger a transfer or assignment under this Section.

- A. A transportation network company permit or renewal issued by the Department under this Article shall include an assigned number that remains effective until either withdrawn by the Department or until it expires.
- B. A transportation network company permit or renewal issued by the Department under this Article shall not be transferred or assigned, in whole or in part, to any person other than the person to whom the permit is issued, except upon a merger, change in control, or sale of substantially all of the transportation network company's assets to an entity that assumes the duties and obligations of the permit. The transportation network company shall notify the Department within 30 days of such a transfer or assignment, and the Department shall have 30 days beginning on such notification to nullify the transfer or assignment based on the criteria set forth in this Article. An initial public offering shall not be deemed to trigger a transfer or assignment under this Section.

R17-5-905. ~~Transportation Service Provider - Record Review~~ Transportation Network Company - Record Review

- ~~A. The Department, after providing reasonable notice to a transportation service provider, may review with or without cause all records a transportation service provider is required to make available to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556, when applicable to a transportation network company, and A.R.S. § 41-2097, when applicable to an owner of a taxi, livery vehicle, or limousine.~~
- ~~B. A transportation service provider shall make all records described under subsection (A) available to the Department for review at an Arizona location.~~
- ~~C. The Department shall conduct a record review during the transportation service provider's normal business hours.~~
- ~~D. The Department shall provide a copy of its review report to the transportation service provider's designated point of contact. The report shall include the review results and indicate any violations found.~~
- A. The Department, after providing reasonable notice to a transportation network company, may review with or without cause all records a transportation network company is required to make available to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556.
- B. A transportation network company shall make all records described under subsection (A) available to the Department for review at an Arizona location.
- C. The Department shall conduct a record review during the transportation network company's normal business hours.
- D. The Department shall provide a copy of its review report to the transportation network company's designated point of contact. The report shall include the review results and indicate any violations found.

R17-5-906. ~~Transportation Service Provider - Designated Point of Contact~~ Transportation Network Company - Designated Point of Contact

- ~~A. A transportation service provider shall provide to the Department the name and contact information of the transportation service provider's designated point of contact in this state.~~
- ~~B. A transportation service provider shall notify the Department within 10 business days of making a change to the name or contact information of the transportation service provider's designated point of contact in this state.~~
- A. A transportation network company shall provide to the Department the name and contact information of the transportation network company's designated point of contact in this state.
- B. A transportation network company shall notify the Department within 10 business days of making a change to the name or contact information of the transportation network company's designated point of contact in this state.

ARTICLE 10. VEHICLE FOR HIRE

R17-5-1001. Definitions

In addition to the definitions in A.R.S. §§ 28-101 and 28-9501, the following terms apply to this Article unless otherwise specified:

"Appealable agency action" has the meaning prescribed in A.R.S. § 41-1092.

"Applicant" means a company that applies to the Department for a vehicle for hire company permit as prescribed under A.R.S. Title 28, Chapter 30, Article 1, and these rules.

"Application" means forms designated as an application and all documents and additional information the Department requires a vehicle for hire company applicant to submit to obtain a vehicle for hire company permit.

"Contested case" has the meaning prescribed in A.R.S. § 41-1001.

"Designated point of contact" means a person employed by a vehicle for hire company who has the authority to gather and provide records to the Department on request.

"Good standing" means that an applicant does not have:

Any outstanding civil penalties owed to the Department;

Any suspension, revocation, or cancellation of a vehicle for hire company permit issued by the Department;

Any delinquent fees, taxes, or unpaid balances owed to the Department; or

Any open complaints submitted to the Department regarding compliance with vehicle for hire statutes or rules.

"Government agency" means this state and any political subdivision of this state that receives and uses tax revenues.



“Handbook 44” means the U. S. Department of Commerce, National Institute of Standards and Technology (NIST) Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Section 5.54, Taximeters, revised as of 2016.

“NIST” means the National Institute of Standards and Technology of the U.S. Department of Commerce.

“Permittee” means the owner or responsible party in the vehicle for hire company that meets all permit requirements and holds a vehicle for hire company permit.

“Trade dress” means a removable and distinct logo, insignia or emblem attached to, or visible from the exterior of a taxi while providing vehicle for hire services as a taxi, and that includes the word “taxi” or “cab.”

“Vehicle for hire company permit” means the permit required in A.R.S. § 28-9503 for a vehicle for hire company to operate in this state.

“Violation” means the failure of a vehicle for hire company to:

Provide to the Department any records the vehicle for hire company is required to maintain and provide on request, as provided in A.R.S. § 28-9507;

Follow these rules; or

Follow A.R.S. Title 28, Chapter 30, Articles 1 and 2.

R17-5-1002. Incorporation by Reference

The Department incorporates by reference the U. S. Department of Commerce, National Institute of Standards and Technology (NIST) Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Section 5.54, Taximeters, revised as of 2016, and no later amendments or editions. The incorporated material is available at www.nist.gov/pml/pubs/hb44.cfm. The incorporated material is on file with the Department at 206 S. 17th Ave., Phoenix, AZ.

R17-5-1003. Vehicle for Hire Company Permit; Good Standing; Handbook 44

- A. An applicant to the Department for a vehicle for hire company permit shall be in good standing with the Department at the time the vehicle for hire company applies for or renews a vehicle for hire company permit.
- B. A vehicle for hire company that operates a vehicle for hire as a taxi shall have an operating taxi meter installed in each taxi by a person or company that uses Handbook 44.
- C. A vehicle for hire company operating a taxi shall maintain, and make available to the Department, records for the installation and calibration of each taxi meter for the duration of the three-year vehicle for hire company permit.

R17-5-1004. Vehicle for Hire Company Permit - Initial Application; Issuance; Fee

- A. A vehicle for hire company shall apply to the Department for a vehicle for hire company permit by:
 - 1. Completing and submitting the application form to the Department that is located at: www.azdot.gov;
 - 2. Providing the full name and contact information of the vehicle for hire company’s agent for service of process in this state;
 - 3. Submitting a clear illustration of the vehicle for hire company’s trade dress, if operating as a taxi;
 - 4. Paying the application fee of \$24 per vehicle that is used as a taxi by the vehicle for hire company at the time of application, not to exceed a total of \$1,000 per applicant, as required by A.R.S. § 28-9503;
 - 5. Certifying that the vehicle for hire company meets all vehicle for hire company requirements in A.R.S. Title 28, Chapter 30, Article 1; and
 - 6. Stating the total number of vehicles for hire in the vehicle for hire company fleet at the time of application.
- B. A vehicle for hire company shall provide to the Department the name and contact information of the vehicle for hire company’s designated point of contact in this state.
- C. After the Department receives and accepts a completed application, all certifications, and the application fee, if applicable, the Department shall issue to an applicant a vehicle for hire company permit.
- D. A vehicle for hire company permit issued by the Department expires three years after the date of issuance.
- E. A vehicle for hire company may apply to renew a vehicle for hire company permit as provided in R17-5-1005.
- F. A vehicle for hire company shall notify the Department within 10 business days of making a change to the name or contact information of the vehicle for hire company’s designated point of contact in this state.
- G. A vehicle for hire company permit or renewal issued by the Department under this Article may be transferred to a person other than the person to whom the permit is issued, if ownership of the vehicle for hire company changes. The vehicle for hire company shall notify the Department within 30 days of such a transfer.

R17-5-1005. Vehicle for Hire Company Permit - Renewal Application; Issuance; Fee

- A. A vehicle for hire company shall apply to the Department for renewal of an existing vehicle for hire company permit under A.R.S. § 28-9503, no earlier than 90 days and no later than 30 days before the three-year permit expires by:
 - 1. Completing and submitting the required information, all certifications, and the application fee, if applicable, to the Department at: <https://secure.servicearizona.com>;
 - 2. Submitting a clear illustration of the vehicle for hire company’s trade dress, if operating as a taxi, and if different than the illustration already on file with the Department;
 - 3. Paying the renewal application fee of \$24 per vehicle that is used as a taxi at the time of permit renewal, not to exceed a total of \$1,000 per applicant, as required by A.R.S. § 28-9503; and
 - 4. Certifying that the vehicle for hire company meets all the vehicle for hire company requirements in A.R.S. Title 28, Chapter 30, Article 1.



- B. Upon receipt and acceptance of all required documents, fees, if applicable, and certifications, the Department shall issue to an applicant a vehicle for hire company permit renewal.
- C. A vehicle for hire company permit renewal issued by the Department expires three years after the existing vehicle for hire company permit expires.
- D. The holder of an expired vehicle for hire company permit may apply to the Department for a new vehicle for hire company permit using the renewal application procedure provided under R17-5-1005(A).

R17-5-1006. Vehicle for Hire Company Permit or Renewal - General Provisions

A vehicle for hire company permit issued by the Department shall include an assigned number that remains effective until either withdrawn by the Department or until the permit expires.

R17-5-1007. Vehicle for Hire Company; Record Review; Inspection

- A. The Department, after providing reasonable notice to a company with a vehicle for hire company permit, may review, with or without cause, all records of a vehicle for hire company as prescribed in A.R.S. § 28-9507, at intervals determined by the Department.
- B. A vehicle for hire company shall make all records described under subsection (A) available to the Department for review at an Arizona location.
- C. The Department shall conduct a record review during the vehicle for hire company's normal business hours.
- D. The Department may conduct a periodic, random inspection of a taxi meter and any vehicle for hire, or in response to a complaint by the public. An inspection may include an inspection of the taxi meter in a taxi and the signage required by A.R.S. § 28-9506.
- E. After the inspection, the Department shall provide a copy of the inspection report to the vehicle for hire company or the designated point of contact. The report shall include any deficiencies or violations indicated during the inspection.

R17-5-1008. Posting of Fares

- A. When a livery vehicle provides local transportation at fares that are established in a contract with a government agency, the livery vehicle interior signage shall indicate that fares are determined by contract with a government agency when providing those services.
- B. When a livery vehicle provides local transportation services at fares that are not established in a contract with a government agency, the livery vehicle interior signage shall post fares in accordance with A.R.S. § 28-9506(A)(2).

R17-5-1009. Appealable Agency Actions; Rehearing; Judicial Review

- A. A.R.S. Title 41, Chapter 6, Article 10 applies to all contested cases and all appealable agency actions of the Department under A.R.S. Title 28, Chapter 30, Article 2.
- B. A vehicle for hire company whose permit, renewal, or authority is denied has a right to a hearing, an opportunity for rehearing under A.R.S. Title 41, Chapter 6, Articles 6 and 10, and if the denial is upheld, judicial review under A.R.S. Title 12, Chapter 7, Article 6.

Questions about the interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.



13. Incorporations by reference and their location in the rules:

N/A

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

N/A

15. The full text of the rule follows:

**TITLE 7. EDUCATION
CHAPTER 2. STATE BOARD OF EDUCATION**

ARTICLE 6. CERTIFICATION

Section

R7-2-617. Other Professional Certificates

ARTICLE 6. CERTIFICATION

R7-2-617. Other Professional Certificates

- A.** No change
- B.** No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - i. No change
 - ii. No change
 - iii. No change
- C.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 4. No change
 - a. No change
 - b. No change
 - c. No change
- D.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- E.** No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- F.** School Social Worker Certificate - grades PreK-12
 - 1. The School Social Worker certificate is optional but may be required by local governing boards.
 - 2. The certificate is valid for eight years.
 - 3. The requirements are:
 - a. Master's or more advanced degree in Social Work from an accredited institution or completion of a Board approved school social worker program;
 - b. A valid fingerprint clearance issued by the Arizona Department of Public Safety; and



- c. One of the following:
 - i. Completion of at least 6 semester hours of practicum in Social Work in a school setting completed through an accredited institution; or
 - ii. One year of full time experience as a Social Worker in a setting which primarily serves children in preschool through grade 12.
- 4. A valid, comparable School Social Worker certificate from another state may be substituted for the requirements of R7-2-617(F)(3) provided that the holder is in good standing with that state.



NOTICES OF ORAL PROCEEDING

If an agency schedules an oral proceeding, a public workshop, or another type of meeting on a proposed rulemaking, a rulemaking docket opening, or a proposed delegation agreement, the agency shall prepare a Notice

of Oral Proceeding, a Notice of Public Workshop, or Notice of Meeting (specifying the type of meeting) for publication in the *Register*.

NOTICE OF ORAL PROCEEDING ON PROPOSED RULEMAKING

DEPARTMENT OF INSURANCE

[M17-01]

1. **Name of the agency:** Department of Insurance
2. **Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 6, Department of Insurance
Article and its heading: 10, Long-Term Care Insurance
Section numbers: R20-6-1001 through R20-6-1024, Appendix A through J
3. **Articles, Parts, or Sections (as applicable) being proposed/Rulemaking Action**

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R20-6-1001	Amend
R20-6-1002	Amend
R20-6-1003	Amend
R20-6-1004	Amend
R20-6-1005	Amend
R20-6-1006	Amend
R20-6-1007	Amend
R20-6-1008	Amend
R20-6-1009	Amend
R20-6-1010	Amend
R20-6-1011	Amend
R20-6-1012	Repeal
R20-6-1012	Re number
R20-6-1012	Amend
R20-6-1013	Re number
R20-6-1013	Amend
R20-6-1014	Re number
R20-6-1014	Amend
R20-6-1015	Re number
R20-6-1015	New Section
R20-6-1017	Amend
R20-6-1018	Amend
R20-6-1019	Amend
R20-6-1020	Amend
R20-6-1021	Amend
R20-6-1023	Amend
R20-6-1024	Re number
R20-6-1024	New Section
R20-6-1025	New Section
R20-6-1024	Re number
Appendix A	Amend
Appendix B	Amend
Appendix C	Amend
Appendix D	Amend
Appendix E	Amend
Appendix F	Amend
Appendix H	Amend
Appendix I	Amend
Appendix J	Amend

4. **Citations to all notices published in the *Register* concerning the proposed rulemaking:**
 Notice of Rulemaking Docket Opening: 22 A.A.R. 3708, December 30, 2016
 Notice of Proposed Exempt Rulemaking: 23 A.A.R. 151, January 20, 2017

**5. The date, time, and location of the oral proceeding:**

Date: March 3, 2017
Time: 1:00 p.m.
Location: Department of Insurance
2910 N. 44th St., 3rd Floor Training Room
Phoenix, AZ 85018

6. The name and address of agency personnel to whom questions and comments on the proposed rules may be addressed:

Name: Mary E. Kosinski
Address: Department of Insurance
2910 N. 44th St., Suite 210
Phoenix, AZ 85018
Telephone: (602) 364-3100
E-mail: mkosinski@azinsurance.gov
Public Comments may also be submitted to: public_comments@azinsurance.gov



COUNTY NOTICES ACCORDING TO A.R.S. § 49-112

This section of the *Arizona Administrative Register* contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the *Register*, they do not conform to the standards specified in

the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

NOTICE OF FINAL RULEMAKING MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS REGULATION II - PERMITS AND FEES RULE 280: FEES

[M17-02]

PREAMBLE

- | <u>1. Rule affected</u> | <u>Rulemaking action</u> |
|--|--|
| Rule 280: Fees | Amended |
| <u>2. Statutory authority for the rulemaking:</u> | |
| Authorizing statutes: A.R.S. §§ 49-402, 49-473, 49-476.01, 49-479, 11-251.08(A) | |
| Implementing Statute: A.R.S. § 49-480, 49-112, 11-251.08(B) | |
| <u>3. The effective date of the rule:</u> | |
| Date of adoption: January 4, 2017 | |
| <u>4. List of public notices addressing the rulemaking:</u> | |
| Notice of Briefing To Maricopa County Manager: March 2016 | |
| Notice of Stakeholder Workshop: June 23, 2016 | |
| Notice of Proposed Rulemaking: 22 A.A.R. 2095, August 12, 2016 | |
| Notice of Maricopa County Board of Health Meeting: October 24, 2016 | |
| <u>5. Name and address of department personnel with whom persons may communicate regarding the rulemaking:</u> | |
| Name: | Greg Verkamp or Hether Krause |
| | Maricopa County Air Quality Department |
| | Planning and Analysis Division |
| Address: | 1001 N Central Avenue, Suite 125 |
| | Phoenix, Arizona 85004 |
| Telephone: | (602) 506-6010 |
| Fax: | (602) 506-6179 |
| E-mail: | aqplanning@mail.maricopa.gov |

6. Explanation of the rule, including the department's reasons for initiating the rulemaking:

Summary:

Rule 280 establishes the fees charged to owners and operators of sources of air pollution. The Maricopa County Air Quality Department (department) is largely funded by a fee for service model by charging permit application fees, annual administrative fees, hourly fees for staff time to process Title V and Non-Title V permit applications and emission based fees. Revenues generated from fees cover the operating costs of several programs within the department. Prior to this rule revision, revenues generated by fees exceeded the expenses of the fee funded programs within the department, resulting in a yearly positive balance in the department's fee fund. The department reduced a limited number of fees in Rule 280 in order to balance the fee revenues with the expenses of the department's fee funded programs. In addition, the department made several other revisions to update and improve Rule 280.

Background:

The department receives funding from three major sources: The Maricopa County General Fund, grants, and fees collected from owners and operators of sources of air pollution. Funds from each source cover the operating costs of specific programs within the department. Funds received from the Maricopa County General Fund cover a significant portion of the operating costs of the Air Monitoring Program. Funds from grants also cover operating costs of the Air Monitoring Program, a portion of the operating costs of the Compliance Program and all the operating costs of the Travel Reduction Program. Funds generated from fee collection cover the operating costs of the Dust Control Program, Small Source Program, Title V Program, Training Program and Enforcement Program. In recent years, the department has observed that revenues generated through fee collection have exceeded the expenses of the fee funded programs. As a result, the department initiated revisions to Rule 280 to address the excess fee revenues. An evaluation of the department's fee fund determined the majority of the excess fee revenues were coming from the Dust Control Program. Based on the analysis, the fees for the dust control permit fees categories of "0.1 to less than one acre" and of "One acre to less than 10 acres" were reduced. Reduced fee amounts were calculated for these categories and the new amounts are listed below.

The department also made several revisions to the rule. The revisions are listed below.

Detailed Description of the Major Amendments:

- **Dust Control Permit Fee Reductions**



Reduced permit fees in the dust control permit fee category of “0.1 to less than one acre” from \$795 to \$530 and reduced permit fees in the dust control permit fee category of “One acre to less than 10 acres” from \$1,325 to \$1,060. These fee reductions are expected to affect approximately 2,500 permits annually based on recent data.

- **Accelerated Permit Processing for Dust Control Applications**

Added an option for accelerated permit processing for dust control applications. Under the revision, an applicant would be able to request accelerated permit processing for a dust control application by submitting a completed application with a fee two times the fee amount listed in the dust control permit fee schedule. Applications submitted with the accelerated permit processing fee will be processed by the end of the next business day.

- **Expanded General Permit Options**

Offered three new general permits for the following sources: Crematories, Wastewater Treatment Plants and Asphalt Day Tankers/Tar Kettles. These new categories will provide fee reductions of \$320 and \$330 a year for sources that qualify. Approximately 70 sources are expected to qualify for these new general permits.

- **Refunds of Asbestos Notification Fees**

Offered renovation and demolition fee refunds, less a \$350 nonrefundable fee, upon cancellation of a notification. A refund will be offered if the cancellation is received before renovation and/or demolition operations have commenced and if no revisions have been made to the notification from the date it was initially submitted.

- **Changes to the Delinquency Fees**

Added language to the delinquency fees section which will provide the possibility of increased delinquency fees for those applicants or permittees who fail to pay required fees on time. Prior to this rule revision, the rule language stated an applicant or permittee will be required to pay a \$50 fee if payment is received 30 days after the invoice date or a \$100 fee if the payment is received 60 days after the invoice date. The department added language stating an applicant or permittee will be required to pay a \$50 fee, “or 5% of the amount due, whichever is greater” if the payment is received 30 days after the invoice date or a \$100 fee, “or 10% of the amount due, whichever is greater” if the payment is received 60 days after the invoice date.

- **Changes to the Annual Adjustment of Fees**

Provided the option to annually adjust the following fees based on the Consumer Price Index: Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Fees and Asbestos Notification and Plan Review Fees. Prior to this rule revision, Rule 280 required the Title V Billable Permit Action Fees, Annual Administrative Fees, and Annual Emissions-Based Fees along with the Non-Title V Billable Permit Action Fees, Annual Administrative Fees and General Permit Fees be adjusted annually. The Title V Billable Permit Action Fees, Annual Administrative Fees, Annual Emissions-Based Fees and the Non-Title V Billable Permit Action Fees will continue to be adjusted annually.

- **Modifications to the Fee Tables**

Made several modifications to the fee tables to improve clarity and usability. The fee rule was last revised in 2010 and fees have been adjusted annually thereafter per CPI. The department is unable to revise the fee rule annually but instead makes fee adjustments per CPI and includes them in an annual fee schedule. The fee schedule is posted annually on the department’s website. First, the department updated all of the Title V, Non-Title V and General Permit fees to the 2016 Air Quality Fee Schedule; these fees appear higher than in the current rule, but the department is not increasing these fees; these fees have been in effect since the CPI adjustment in early 2016. These fees were adjusted again in draft Rule 280 after August 31, 2016 to reflect the most current CPI. Second, the department added numbers and titles to all of the tables in the rule. Third, the department is deleted, added and revised several source categories in the Non-Title V source category fee tables and combined the Non-Title V source category fee tables with the Non-Title V annual administrative fee table. Finally, the department created a new General Permit Fee Table combining the General Permit Application Fee Table and the General Permit Annual Administrative Fee Table. This table lists the existing nine general permit types along with the three newly proposed general permit types.

Issues Raised and Discussed During this Rulemaking Process:

On June 23, 2016 the department held a stakeholder workshop and discussed the proposed revisions to Rule 280. During the workshop stakeholders raised concerns about the Stationary Dust-Generating Source General Permit. First, stakeholders were concerned the draft rule did not clearly specify that the permit covered landscaping using mechanized equipment. The department clarified that only landscaping that utilized mechanized equipment, e.g., bobcats, that disturb 0.10 acre or more would require permit coverage. Stakeholders proposed inserting “Landscaping with Mechanized Equipment” as an activity under the Stationary Dust-Generating Source category in the General Permit Fee table. The department considered the proposal and inserted the activity into the General Permit Fee table in the draft rule. Second, stakeholders were concerned that construction of pools and other small structures such as barbeque pits and shade canopies were not activities eligible for coverage under the Stationary Dust-Generating Permit category and proposed including them as eligible activities. The department considered their proposal and instead of including these activities under the Stationary Dust-Generating Source General Permit will continue to require pool builders (disturbing a total surface area of 0.10 acre or more) to obtain a Dust Control Permit. The construction of pools and other small structures are construction projects with finite timelines and the Stationary Dust-Generating Source General Permit excludes construction projects with finite timelines. Currently, pool builders must obtain a dust control permit for any project disturbing a total surface area of 0.10 acre or more. However, the dust permit fee for disturbing less than 1 acre has been reduced from \$795 to \$530. The department believes the construction of most small structures such as barbeque pits and shade canopies will not require a permit because the activities will not disturb enough acreage (0.10 acre or more) to require a dust control permit.

General Description of All Amendments:

In Section 100 (General):

- Revised the language in Section 101 “Purpose” and Section 102 “Applicability” to be more consistent with the language in Rule 100



- Added Section 103 “Annual Fee Adjustments” to clarify the fees listed in the rule may not reflect the current fee schedule and to provide the location of the most current fee schedule

In Section 200 (Definitions):

- Added a definition of “Consumer Price Index” for clarification purposes; definition taken from the United States Department of Labor Bureau of Labor Statistics website
- Removed the definitions of “Existing Source” and “Regulated Air Pollutant” because both of the definitions are defined in Rule 100
- Removed the definition of “Sources Required To Have A Title V Permit” because this term is not used in the rule language and because Rule 200, Section 302 already identifies sources required to have a Title V permit

In Section 300 (Standards):

- Added a reference to Rule 200 in Section 301 to provide a connection between Rule 280 and Rule 200
- Added a table number and a title to all of the tables in the rule
- Revised the language referencing the tables in the rule to reference the newly proposed table numbers
- Updated all of the Title V, Non-Title V and General Permit fees to the current fee schedule; these fees were adjusted in draft Rule 280 after August 31, 2016 to reflect the 2017 Air Quality Fee Schedule
- Changed rule section number “304” referencing the annual adjustment of fees to the new rule section number “313”
- Revised the language in Section 301.1(c) to match the language in 302.1(c)
- Removed the “Air Curtain Destructors” category from the Title V Source Category fee table under Section 301.2 and added it to the General Permit fee table under Section 303
- Removed “Cement Plants”, “Lime Plants”, “Copper and Nickel Mines”, “Gold Mines” and “Copper Smelters” from the Title V Source Category fee table under Section 301.2
- Added the term “Sources” to the last two categories in the Title V Source Category fee table
- Changed rule section number “305” referenced in Section 301.2(b) to match the new rule section number “304”
- Removed the language “Section 303” from the Rule 200 reference in Section 302 to be a more general rule reference
- Combined the fee table and rule language under Section 302.2 with the fee tables and rule language under Section 403 for clarity purposes
- Added “Biofuel Manufacturing Operations Greater than 1,000,000 Gallons per Year” to Fee Table A
- Added “Paper Mills” to Fee Table A
- Added “(Active)” at the end-of “Solid Waste Landfill” in Fee Table A
- Added “(Subject to Source Testing)” at the end-of “Bakery with Oven of Greater than or Equal to 25 Tons per Year of Potential Uncontrolled VOC Emissions or Facility With Controls” in Fee Table B
- Added “Concrete Batch Plant That Meets the Definition of an ‘Infrequent Operation’ under Rule 316 of These Rules” to Fee Table B to create a lower fee for smaller concrete batch plant operations
- Added “Crushing Facility That Meets the Definition of an ‘Infrequent Operation’ under Rule 316 of These Rules” to Fee Table B to create a lower fee for smaller crushing facility operations
- Revised “Solvent Degreasing/Cleaning System, Solvent Use Greater than 3 Gallons per Day” to “Solvent Degreasing/Cleaning System, Solvent Use Greater than or Equal to 2 Tons per Year Potential Uncontrolled VOC Emissions” in Fee Table B
- Revised “Stage I Vapor Recovery, Bulk Plants with Loading Racks” to “Petroleum Bulk Plants and Organic Liquid Bulk Plants (Non-Petroleum)” in Fee Table B
- Added “Sources Not Otherwise Classified with Potential Uncontrolled Emissions of All Regulated Pollutants Greater than 5, but Less than 25, Tons per Year” to Fee Table B to provide a general category for Fee Table B
- Revised “Bulk Plant Loading Facilities as Defined by Rule 351, Section 305.1” to “Petroleum Bulk Plants and Organic Liquid Bulk Plants (Non-Petroleum) Less Than 120,000 Gallons per Month Built Before 1978” in Fee Table C
- Revised “Non-Halogenated Solvent Cleaning, Less than 3 Gallons per Day” to “Non-Halogenated Solvent Cleaning Less than 2 Tons per Year Potential Uncontrolled VOC Emissions” in Fee Table C
- Added “Sources Not Otherwise Classified with Potential Uncontrolled Emissions of All Regulated Pollutants Less than or Equal to 5 Tons per Year” to Fee Table C to provide a general category for Fee Table C
- Included a list of dust-generating activities to Fee Table D
- Added a reference to Rule 200 in Section 303 to provide a connection between Rule 280 and Rule 200
- Combined the General Permit application fee table under Section 303.1 and the General Permit annual administrative fee table under Section 303.2 into one table and removed references to the fee tables in Section 403
- Removed several rows in the newly combined General Permit fee table and inserted the nine General Permit types currently offered by the department into the table along with three new General Permit types “Crematories”, “Wastewater Treatment Plants”, and “Asphalt Day Tankers/Tar Kettles”
- Added “Crematories” and “Wastewater Treatment Plants” to Table 280-4 (General Permit Fees); they were originally in Fee Table B; the fee is less – it was \$3,250 and it is now \$1,400
- Added Section 303.3 to clarify the Control Officer may issue other General Permits not listed in the General Permit fee table and provided the location of fees
- Added Section 303.4 to clarify which dust-generating activities qualify for coverage under the Stationary Dust-Generating Sources General Permit
- Moved Section 304 “Annual Adjustment of Fees” to Section 313 and revised it to provide the option of adjusting Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Permit Fees and Asbestos Notification and Plan Review Filing Fees annually



- Changed rule section number “305” referenced in Sections 305.1(b) and (c) to match the new rule section number “304”
- Changed the title of Section 308 from “Gasoline Delivery Vessel Decal Fee” to “Maricopa County Vapor Tightness Certification Decal Fee” and changed the term “delivery vessel” to “cargo tank” in Section 308 so the section title and language more closely correspond to the language in Rule 352 (Gasoline Cargo Tank Testing And Use)
- Added two new categories, “Watershed Rehabilitation” and “Indigenous Scrub Vegetation”, to the Burn Permit fee schedule under Section 309.1 to correspond more closely with the fire categories listed in Rule 314 (Open Outdoor Fires And Indoor Fireplaces At Commercial And Institutional Establishments)
- Alphabetized the fire categories in the Burn Permit fee schedule
- Added a reference in Section 310 to Rule 310 to provide a connection between Rule 280 and Rule 310 (Fugitive Dust From Dust-Generating Operations)
- Decreased the annual fee amount for a dust control permit in the category of “0.1 to less than one acre” from \$795 to \$530
- Decreased the annual fee amount for a dust control permit in the category of “One acre to less than 10 acres” from \$1,325 to \$1,060
- Added Section 309.3 “Accelerated Dust Control Permit Processing Fee” for dust control permit applications
- Added a dust control training class fee table under Section 311 for clarity
- Changed the minimum number of class participants required for a request for dust control training under Section 311.3 to 50 participants and removed the requirement of a maximum number of class participants required for the training
- Removed the language under Section 311.3 addressing a discounted fee for the issuance of training cards at third party provider dust control training classes
- Added refund policy language to Section 311.3
- Removed Section 311.4 “Train the Trainer Class Fee”
- Removed the language “Section 306” from the Rule 200 reference in Section 312 to be a more general rule reference
- Added Section 312.9 to clarify any person removing less than 260 linear feet, 160 square feet or 35 cubic feet of regulated asbestos containing material is not required to file a notification
- Added Sections 312.2, 312.4 and 312.6 providing for partial refunds of asbestos notification and plan review filing fees under Section 313
- Revised the delinquency fee language under Section 315 to provide for the possibility of higher delinquency fees for those applicants or permittees who fail to pay required fees on time
- Removed Section 316 (Subscription Fee For Rule Revisions) because copies of new and revised rules can be found on the department’s website
- Removed the language “Section 313” from the Rule 200 reference in Section 317.1 to be a more general rule reference
- Added Section 316.5 to clarify accelerated permit processing for dust control permits can be found in Section 309.3
- Removed Section 320 “Hazardous Air Pollutants Tier 4 Risk Management Analysis Fee”
- Removed Section 321 “Air Quality Awareness Flag Program Fee”

In Section 400 (Administrative Requirements):

- Updated the effective dates of the fees in Section 401
- Changed the title of Section 402.2 from “Gasoline Delivery Vessel Decal Fee” to “Maricopa County Vapor Tightness Certification Decal Fee” and changed the term “Gasoline delivery vessel” to “The Maricopa County Vapor Tightness Certification” in Section 402.2 so the section title and language correspond more closely to the language in Rule 352 (Gasoline Cargo Tank Testing And Use)
- Combined the fee tables and rule language in Section 403 with the fee table and rule language in Section 302.2 for clarity purposes
- Revised “Ethylene Oxide Sterilization” under Fee Table A by creating two new categories “Ethylene Oxide Sterilization, Commercial” and “Ethylene Oxide Sterilization, Medical Facilities” and placed the categories into separate fee tables, Fee Table A and Fee Table C, respectively
- Revised “Insulation Manufacturing” to “Fiberglass Insulation Manufacturing” under Fee Table A to clarify the type of insulation manufacturing
- Removed “Source Subject to a MACT, NESHAP or NSPS Standard under CAA Section 111 or 112 Unless Otherwise Identified in another Fee Table” from Fee Table A
- Revised “Aerospace Products Manufacturing and Rework not Subject to MACT” to “Aerospace Products Manufacturing and Rework not Subject to MACT GG” under Fee Table B to improve specificity
- Revised “Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome and Hard Chrome Operations Less than or Equal to 60 Million Amp/Hrs per Year Subject to Area Source MACT)” to “Plating Tanks (Includes Hard Chrome or Decorative Chrome Plating Operations)” under Fee Table B
- Revised “Soil Treatment/Remediation” to “Soil/Groundwater Remediation” under Fee Table B to include groundwater remediation
- Removed “Soil Solvent Extraction System with Package Thermal/Catalytic Oxidizer/Carbon Adsorption” from Fee Table B to remove redundancy in the fee tables
- Revised “Source with 3 or More Fee Table C Processes” to “Source with 3 or More Fee Table C/D Processes” under Fee Table B
- Combined “Abrasive Blasting” and “Spray Coating” under Fee Table C into one category “Surface Coating and/or Abrasive Blasting Operations” to match the category titles with the associated General Permit title
- Revised “Dry Cleaning (Includes Perchloroethylene Dry Cleaning Facilities Subject to Area Source MACT)” to “Dry Cleaning Facilities” under Fee Table C to match the category title with the associated General Permit title
- Revised “Emergency Internal Combustion Engine” to “Facilities Operating Stationary Emergency Internal Combustion Engines” under Fee Table C to match the category title with the associated General Permit title
- Moved “Landscape and Decorative Rock, Gravel, and Sand Distribution” under Fee Table C to Fee Table D



- Revised “Petroleum Storage, Non-Retail Dispensing Operations Exempted from Stage I vapor Recovery by Rule 353” to “Gasoline Dispensing Operations” under Fee Table C to match the category title with the associated General Permit title
- Revised “Plating, Electroless” to “Electroless Plating or Plating Subject to MACT Subpart WWWW” under Fee Table C for clarity purposes
- Revised “Printing Facilities Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions” to “Graphic Arts Operations” under Fee Table C to match the category title with the associated General Permit title
- Removed “Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation” from Fee Table C to remove redundancy in the fee tables
- Revised “Vehicle Refinishing” to “Vehicle and Mobile Equipment Refinishing Operations” under Fee Table C to match the category title with the associated General Permit title
- Removed “Water Reclamation” from Fee Table C
- Revised “Drinking Water Plant” to “Drinking Water Treatment Facility” under Fee Table C for clarity purposes
- Revised “Wood Furniture/Millwork/Small Sources Less than 10 Tons per Year VOC” to “Wood Furniture, Fixture and Millwork Operations” under Fee Table C to match the category title with the associated General Permit title
- Incorporated “Yard/Stockpiling” under Fee Table C into “Landscape and Decorative Rock, Gravel and Sand Distribution” and “Bulk Material Handling” and moved it to Fee Table D
- Revised “Service Station and Non-Resale Dispensing Operations Greater than 120,000 Gallons per Year” under Fee Table D to “Gasoline Dispensing Operations” to match the category title with the associated General Permit title and moved it to Fee Table C
- Revised “Fuel Burning Equipment” to “Fuel Burning Operations” under Fee Table E to match the category title with the associated General Permit title

In addition, the amendments corrected typographical or other clerical errors; made minor grammatical changes to improve readability or clarity; modified the format, numbering, order, capitalization, punctuation, or syntax of certain text to increase standardization within and among rules; or made various other minor changes of a purely editorial nature. As these changes do not alter the sense, meaning, or effect of the rules, they are not described in detail here, but can be readily discerned in the “underline/ strikeout” version of the rules contained in Item 17 of this notice.

7. Demonstration of compliance with A.R.S. §49-112:

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the applicable requirements of A.R.S. §49-112.

§ 49-112 County regulation; standards

§ 49-112(A)

When authorized by law, a county may adopt a rule, ordinance or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or other regulation is either;
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible.
 - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulation.
3. Any fee or tax adopted under the rule, ordinance or other regulation will not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or other regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or other regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The department is in compliance with A.R.S. §§ 49-112(A) and (B).

8. Documents and/or studies referenced and/or reviewed for this rulemaking:

Not applicable

9. Showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision:

Not applicable

10. Summary of the economic, small business, and consumer impact:

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement under A.R.S. § 41-1055.

An identification of the rulemaking.

This rulemaking revised Rule 280 (Fees).

An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.



The persons affected by this rulemaking will be all owners and operators of sources of air pollution subject to Maricopa County Air Pollution Control Regulations. This rulemaking results in a decrease in fees for owners and operators of dust-generating sources required to obtain dust control permits for projects 10 acres or less. It also results in a decrease in fees for owners and operators of crematories, wastewater treatment plants and asphalt day tankers/tar kettles that qualify for one of the new general permits. This rulemaking provides accelerated permit processing for dust control permit applicants and it provides refund options for owners and operators of asbestos renovation and demolition projects.

A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.

Because this rulemaking leads to a decrease in fee collection, the department anticipates revenues generated by fees will decrease. The decrease in fee revenues is not expected to negatively affect the department since the revenues generated by fees prior to this rule revision exceeded department expenses, creating a yearly positive balance. The decrease in fees is anticipated to balance department fee revenues with department expenses. The department does not anticipate the decrease in fee collection will have any effect on any other agencies.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking

This rulemaking will directly benefit political subdivisions that own and/or operate sources of air pollution which will see a fee reduction under the rulemaking. Specifically, political subdivisions required to obtain dust control permits for a projects 10 acres or less will see a fee reduction as well as political subdivisions operating wastewater treatment plants or asphalt day tankers/tar kettles that qualify for one of the new general permits. In addition, political divisions may benefit from the accelerated dust permit application processing as well as from the refund options for asbestos renovation and demolition notifications.

(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.

This rulemaking will directly benefit businesses that own and/or operate a source of air pollution which will see a fee reduction under the rulemaking. Specifically, businesses required to obtain dust control permits for projects 10 acres or less will see fee reductions as well as businesses operating crematories, wastewater treatment plants or asphalt day tankers/tar kettles that qualify for one of the new general permits. In addition, businesses may benefit from the accelerated dust permit application processing as well as from the refund options for asbestos renovation and demolition notifications.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.

The rulemaking will directly benefit those businesses, agencies and political subdivisions that own and/or operate a source of air pollution which will see a fee reduction under the rulemaking.

A statement of the probable impact of the rulemaking on small businesses.

The rulemaking will directly benefit those small businesses that own and/or operate a source of air pollution which will see a fee reduction under the rulemaking.

(a) An identification of the small businesses subject to the rulemaking.

All small businesses that own and/or operate a source of air pollution subject to Maricopa County Air Pollution Control Regulations are subject to this rulemaking.

(b) The administrative and other costs required for compliance with the rulemaking.

There are no administrative and other costs required for compliance with this rulemaking.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

The impacts of this rulemaking on small business should be beneficial as the rulemaking includes fee reductions, accelerated permit processing and new refund possibilities.

(i) Establishing less costly compliance requirements in the rulemaking for small businesses.

This rulemaking reduces fees for many small businesses and thereby establishes less costly compliance requirements.

(ii) Establishing less costly schedules or less stringent deadlines for compliance in the rulemaking.

This rulemaking does not create any new compliance schedules or deadlines.

(iii) Exempting small businesses from any or all requirements of the rulemaking.

All sources of air pollution subject to the Maricopa Air Pollution Control Regulations must pay fees and cannot be exempted from this rulemaking.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

Because this rulemaking results in a fee reduction for many businesses, private persons and consumers may see a direct benefit from the rulemaking.

A statement of the probable effect on state revenues.

The rule revisions will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. Without costs to pass through to customers, there is no projected change in consumer purchase patterns and, thus, no impact on state revenues from sales taxes.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking.

The purpose of this rulemaking is to decrease fee collection so revenues generated by fees match expenses for department fee funded programs.

11. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:



Name: Greg Verkamp or Hether Krause
Maricopa County Air Quality Department
Planning and Analysis Division
Address: 1001 N Central Avenue, Suite 125
Phoenix, AZ 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179
E-mail: aqplanning@mail.maricopa.gov

12. Description of the changes between the proposed rule, including supplemental notices and final rule:

Since the Notice of Proposed Rulemaking was published on August 12, 2016 (22 A.A.R. 2095), the department made the following amendments:

- Updated all of the Title V, Non-Title V, General Permit and emission fees to reflect the 2017 Air Quality Fee Schedule, which becomes effective January 1, 2017.

13. Summary of the comments made regarding the rule and the department response to them:

No comments were submitted during the 30-day comment period – August 19, 2016 through September 19, 2016

14. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

Not applicable

15. Incorporations by reference and their location in the rule:

Not applicable

16. Was this rule previously an emergency rule?

No

17. Full text of the rule follows:

**REGULATION II – PERMITS AND FEES
RULE 280
FEES
INDEX**

SECTION 100 – GENERAL

- 101 PURPOSE
- 102 APPLICABILITY
- 103 ANNUAL FEE ADJUSTMENTS

SECTION 200 – DEFINITIONS

- 201 ANNUAL ADMINISTRATIVE FEE
- 202 BILLABLE PERMIT ACTION
- 203 CONSUMER PRICE INDEX (CPI)
- ~~203 EXISTING SOURCE~~
- 204 ITEMIZED INVOICE
- 205 NON-MAJOR TITLE V SOURCE
- ~~206 REGULATED AIR POLLUTANT~~
- ~~207 SOURCES REQUIRED TO HAVE A TITLE V PERMIT~~

SECTION 300 – STANDARDS

- 301 TITLE V PERMIT FEES
- 302 NON-TITLE V PERMIT FEES
- 303 GENERAL PERMIT FEES
- ~~304 ANNUAL ADJUSTMENT OF FEES~~
- ~~305~~ 304 CALCULATION AND PAYMENT OF EMISSIONS-BASED FEES
- ~~306~~ 305 HEARING BOARD FILING FEE
- ~~307~~ 306 CONDITIONAL ORDER FEE
- ~~308~~ 307 GASOLINE DELIVERY VESSEL DECAL FEE
- ~~309~~ 308 MARICOPA COUNTY VAPOR TIGHTNESS CERTIFICATION DECAL FEE
- ~~310~~ 309 OPEN BURN FEE
- ~~311~~ 310 DUST CONTROL PERMIT FEE
- ~~312~~ 311 DUST CONTROL TRAINING CLASS FEE
- ~~313~~ 312 SUBCONTRACTOR REGISTRATION FEE
- ~~314~~ 313 ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEES
- ~~315~~ 314 ANNUAL ADJUSTMENT OF FEES
- ~~316~~ 315 LATE FEE
- ~~317~~ 316 DELINQUENCY FEE
- ~~318~~ 317 SUBSCRIPTION FEE FOR RULE REVISIONS
- ~~319~~ 318 ACCELERATED PERMIT PROCESSING FEE
- ~~320~~ 319 FAILURE TO PAY REQUIRED FEES



- 319 318 INFORMAL REVIEW OF PERMIT PROCESSING HOURS
320 HAZARDOUS AIR POLLUTANTS TIER 4 RISK MANAGEMENT ANALYSIS FEE
321 AIR QUALITY AWARENESS FLAG PROGRAM FEE

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

- 401 EFFECTIVE DATE OF FEES
402 PAYMENT OF FEES
403 FEE TABLE A, B, C, D, E, F, G, H, AND I SOURCES

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)

Revised 07/13/88
Revised 08/05/91
Revised 11/15/93
Revised 08/19/98
Revised 03/15/00
Revised 05/21/03
Revised 04/07/04
Revised 05/18/05
Revised 07/12/06
Revised 03/26/08
Revised 05/26/10

Revised 07/13/1988; Revised 08/05/1991; Revised 11/15/1993; Revised 08/19/1998; Revised 03/15/2000; Revised 05/21/2003; Revised 04/07/2004; Revised 05/18/2005; Revised 07/12/2006; Revised 03/26/2008; Revised 05/26/2010; **Revised 01/04/2017**

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION II – PERMITS AND FEES
RULE 280
FEES

SECTION 100 – GENERAL

- 101 PURPOSE:** To establish fees to be charged to ~~owners and operators~~ an owner or operator of a source a source of air pollution subject to these rules.
- 102 APPLICABILITY:** Every ~~person owning/operating equipment or~~ owner or operator of a source engaged in activities that may cause or contribute to air pollution is subject to the prescribed fees in this rule.
- 103 ANNUAL FEE ADJUSTMENTS:** All Title V fees and the Non-Title V hourly rate will be adjusted annually on January 1 in accordance with Section 313 of this rule. Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Permit Fees and Asbestos Notification and Plan Review Filing Fees may be adjusted annually on January 1 in accordance with Section 313 of this rule. The fee schedule can be found on the department's website at: <http://www.maricopa.gov/aq/>

SECTION 200 – DEFINITIONS: For the purpose of this rule, the following definitions apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

- 201 ANNUAL ADMINISTRATIVE FEE:** ~~Paid~~ A fee paid annually by a source to recover the average cost of services required to administer the permit and conduct inspections. For a Non-Title V permitted source, the annual administrative fee also covers the cost of renewing the Non-Title V permit. For a General permitted source, the annual administrative fee also covers the cost of reapplying for authorization to operate under a General Permit.
- 202 BILLABLE PERMIT ACTION:** The review, issuance or denial of a new permit, significant permit revision, or minor permit revision, or the renewal of an existing permit.
- 203 CONSUMER PRICE INDEX (CPI):** A measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services.
- 203 EXISTING SOURCE:** ~~source that has commenced construction and has been issued a permit pursuant to A.R.S. § 49-480 after September 1, 1993.~~
- 204 ITEMIZED INVOICE:** A breakdown of the permit processing time into the categories of pre-application activities, completeness review, substantive (technical) review, and public involvement activities, and within each category, a further breakdown by employee name.
- 205 NON-MAJOR TITLE V SOURCE:** A source required to obtain a Non-Title V permit under Rule 200 to which both of the following apply:
- 205.1** The source is classified as a Synthetic Minor Source, and
- 205.2** The source has a permit that contains allowable emissions greater than or equal to 50% of the major source threshold.
- 206 REGULATED AIR POLLUTANT:** ~~For the purposes of Section 305 of this rule, regulated air pollutant consists of the following air pollutants:~~
- 206.1** ~~Any conventional air pollutant as defined in A.R.S. § 49-401.01, which means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary National Ambient Air Quality Standard (NAAQS) except carbon monoxide (i.e., for nitrogen oxides [NO_x], lead, sulfur oxides [SO_x] measured as sulfur dioxide [SO₂], ozone, and particulates).~~
- 206.2** ~~Nitrogen oxides (NO_x) and volatile organic compounds (VOCs).~~



- 206.3 Any air contaminant that is subject to a standard contained in Rule 360 (New Source Performance Standards) of these rules or promulgated under Section 111 (Standards of Performance for New Stationary Sources) of the Act.
- 206.4 Any hazardous air pollutant (HAP) as defined in A.R.S. § 49-401.01 or listed in Section 112(b) (Hazardous Air Pollutants; List of Pollutants) of the Act.
- 206.5 Any Class I or II substance listed in Section 602 (Stratospheric Ozone Protection; Listing of Class I and Class II Substances) of the Act.
- 207 SOURCES REQUIRED TO HAVE A TITLE V PERMIT: The following sources shall be considered sources required to have a Title V permit:
- 207.1 Any source required to have a Title V permit under Rule 200, Section 302 of these rules;
- 207.2 Any source that qualifies for a Non-Title V permit but that elects to have a Title V permit under Rule 200, Section 302 of these rules.

SECTION 300 – STANDARDS

301 TITLE V PERMIT FEES: The owner or operator of a source required to have a Title V permit under Rule 200 of these rules shall pay fees according to the following provisions:

- 301.1 Fees for Billable Permit Actions:** The owner or operator of a Title V source shall pay to the Control Officer ~~\$133.50~~\$149.20 per hour, adjusted annually under Section ~~304~~313 of this rule, for all permit processing time required for a billable permit action. The owner or operator of a Title V source shall also pay the Control Officer the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 210 of these rules. Costs incurred to meet the public participation requirements of Rule 210 of these rules may include, but are not limited to, costs incurred by the Control Officer to publish public notice of a public hearing or draft permit, to hire a hearing officer, to hire transcription or court reporting services, to rent meeting room space, and to perform permit processing activities associated with a public hearing, such as time spent by a permit engineer(s) to participate in the public hearing and to prepare responses to comments. Permit processing activities associated with a public hearing shall be charged at the rate of ~~\$133.50~~\$149.20 per hour, adjusted annually under Section ~~304~~313 of this rule. The fees shall be paid as follows:
- a. An application shall be submitted with the applicable fee from ~~the table below~~ Table 280-1:

TABLE 280-1

TITLE V PERMIT APPLICATION FEES	
Type of Application	Application Fee
New permit application	\$7,000
Significant permit revision application that is a result of a major modification	\$7,000
Other significant permit revision applications	\$1,000
Minor permit revision application	\$150
Permit renewal application	\$3,500

- b. At any time after submittal of the application, the Control Officer may request additional application fees based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.
- c. When permit processing is completed ~~for a facility~~ and final costs are greater than the fee submitted with the application under Section 301.1(a) of this rule, the Control Officer shall send an itemized invoice. The invoice shall indicate the total actual cost of reviewing and acting upon the application, the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 210 of these rules, minus all fees previously submitted, and the balance due.
- d. The Control Officer shall not issue a permit, permit revision, or permit renewal until the balance due on the itemized invoice is paid in full. The Control Officer may deny a permit, a permit revision, or a permit renewal in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date.
- 301.2 Annual Fees:** The owner or operator of a Title V source shall pay an annual administrative fee plus an emissions-based fee as follows:
- a. The applicable annual administrative fee from ~~the table below~~ Table 280-2, as adjusted annually under Section ~~304~~313 of this rule. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

TABLE 280-2

TITLE V PERMIT ANNUAL ADMINISTRATIVE FEES	
Title V Source Category	Annual Administrative Fee
Aerospace	\$18,320 <u>\$20,470</u>
Air Curtain Destructors	\$840
Cement Plants	\$68,590
Combustion/Boilers	\$16,680 <u>\$18,640</u>
Compressor Stations	\$13,630 <u>\$15,230</u>
Expandable Foam	\$14,800 <u>\$16,540</u>
Landfills	\$18,140 <u>\$20,270</u>
Lime Plants	\$64,790
Copper and Nickel Mines	\$16,150
Gold Mines	\$16,150



TITLE V PERMIT ANNUAL ADMINISTRATIVE FEES	
Title V Source Category	Annual Administrative Fee
Paper Mills	\$22,060 \$24,650
Petroleum Products Terminal Facilities	\$25,800 \$28,830
Polymeric Fabric Coaters	\$18,140 \$20,270
Reinforced Plastics	\$13,630 \$15,230
Semiconductor Fabrication	\$29,010 \$32,410
Copper Smelters	\$68,590
Utilities-Primary Fuel Natural Gas	\$9,500 \$10,610+ \$16,480\$18,410 per turbine installed/modified after May 10, 1996 and subject to annual source testing or CEM RATA* certifications
Utilities-Fossil Fuel Except Natural Gas	\$35,080 \$39,190
Vitamin/Pharmaceutical Manufacturing	\$17,020 \$19,020
Wood Furniture	\$15,010 \$16,770
Others Other Sources	\$18,130 \$20,260
Others Other Sources with Continuous Emissions Monitoring	\$22,070 \$24,660

* Continuous Emissions Monitoring Relative Accuracy Test Audit (CEM RATA)

- b. An emissions-based fee of ~~\$38.25~~\$42.74 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year as determined by Section ~~305~~304 of this rule. The fee ~~is~~shall be adjusted annually under Section ~~304~~313 of this rule.

302 NON-TITLE V PERMIT FEES: The owner or operator of a source required to have a Non-Title V permit under Rule 200, ~~Section 303~~ of these rules shall pay fees according to the following provisions:

302.1 Fees for Billable Permit Actions: The owner or operator of a Non-Title V source shall pay to the Control Officer ~~\$133.50~~\$149.20 per hour, adjusted annually under Section ~~304~~313 of this rule, for all permit processing time required for a billable permit action, except for the renewal of an existing permit. In addition, the owner or operator of a Non-Title V source shall pay the Control Officer the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 220 of these rules, including costs incurred to meet the public participation requirements for the renewal of an existing permit. Costs incurred to meet the public participation requirements of Rule 220 of these rules may include, but are not limited to, costs incurred by the Control Officer to publish public notice of a public hearing or draft permit, to hire a hearing officer, to hire transcription or court reporting services, to rent meeting room space, and to perform permit processing activities associated with a public hearing, such as time spent by a permit engineer(s) to participate in the public hearing and to prepare responses to comments. Permit processing activities associated with a public hearing shall be charged at the rate of ~~\$133.50~~\$149.20 per hour, adjusted annually under Section ~~304~~313 of this rule. The minimum fee due shall be \$200.00. The fees shall be paid as follows:

- a. An application shall be submitted with an application fee of \$200.00.
- b. At any time after the submittal of an application the Control Officer may request an additional application fee based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.
- c. When permit processing is completed and final costs are greater than the fee submitted with the application under Section 302.1(a) of this rule, the Control Officer shall send an itemized invoice. The invoice shall indicate the total cost of reviewing and acting upon the application, the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 220 of these rules, minus all fees previously submitted, and the balance due.
- d. The maximum fee for processing permit applications listed in Section 302.1 of this rule is \$25,000.00.
- e. The Control Officer shall not issue a permit or permit revision until the balance due on the itemized invoice is paid in full. The Control Officer may deny a permit or a permit revision in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date.

302.2 Annual Administrative Fees: The owner or operator of an existing Non-Title V source shall pay the applicable annual administrative fee from ~~the table below~~ Table 280-3, as adjusted annually under Section ~~304~~313 of this rule. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date. Sources reclassified to a higher fee table due to the receipt of three complaints on different dates during a one-year period from different individuals resulting in violations resolved by an order of abatement by consent or judicial action shall remain in that fee table until two calendar years pass without complaints against the facility resulting in violations resolved by an order of abatement by consent or judicial action.

TABLE 280-3

NON-TITLE V PERMIT ANNUAL ADMINISTRATIVE FEES	
Fee Table <u>Non-Title V Source Category</u> Source categories designated as Fee Tables A-I are listed in Sections 403.1-403.9 of this rule	Annual Administrative Fee
Fee Table A	



NON-TITLE V PERMIT ANNUAL ADMINISTRATIVE FEES		
Fee Table Non-Title V Source Category Source categories designated as Fee Tables A-I are listed in Sections 403.1-403.9 of this rule		Annual Administrative Fee
Fee Table A		
Sources listed in Fee Table A (see Section 403.1) <u>Aircraft Manufacturing</u> <u>Biofuel Manufacturing Operations Greater than 1,000,000 Gallons per Year</u> <u>Chemical Manufacturing, Dry</u> <u>Chemical Manufacturing, Liquid</u> <u>Circuit Board Manufacturing Greater than or Equal to 5 Tons per Year Potential Uncontrolled VOC</u> <u>Coating Line, Can/Coil/Fabric/Film/Glass/Paper</u> <u>Ethylene Oxide Sterilization, Commercial</u> <u>Fiberglass Insulation Manufacturing</u> <u>Gypsum, Calcining</u> <u>Incinerator, Hazardous Material</u> <u>Incinerator, Medical Waste</u> <u>Jet or Auxiliary Engine Manufacturing</u> <u>Non-Major Title V Source</u> <u>Paper Mills</u> <u>Pesticide/Herbicide Production</u> <u>Petroleum Loading Racks and Storage Tanks at Bulk Terminals</u>	<u>Pharmaceutical Manufacturing</u> <u>Polymeric Foam Products Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing</u> <u>Power Plant Greater than or Equal to 25 Tons per Year Potential Uncontrolled NO_x Emissions</u> <u>Printing Facilities Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing</u> <u>Rendering</u> <u>Rubber Products Manufacturing</u> <u>Semiconductor Manufacturing Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions</u> <u>Solid Waste Landfill (Active)</u> <u>Source Subject to BACT Determination</u> <u>Source with 3 or More Fee Table B Processes</u> <u>Vegetable Oil Extraction</u>	\$5,980 <u>\$6,680</u>

Fee Table B		
Sources listed in Fee Table B (see Section 403.2) <u>Aerospace Products Manufacturing and Rework</u> <u>Aggregate Screening</u> <u>Animal Feed Processing</u> <u>Auto Body Shredding</u> <u>Bakery with Oven of Greater than or Equal to 25 Tons per Year of Potential Uncontrolled VOC Emissions or Facility with Controls (Subject To Source Testing)</u> <u>Boiler, Gas-Fired or with Emergency Fuel Capabilities (Each Unit Greater than or Equal to 10 MMbtu/hr)</u> <u>Cement Terminal</u> <u>Chemical/Fertilizer Storage, Mixing, Packaging and Handling</u> <u>Concrete Batch Plant That Meets the Definition of an 'Infrequent Operation' under Rule 316 of these Rules</u> <u>Concrete Product Manufacturing</u> <u>Cotton Gin</u> <u>Cotton Seed Processing</u> <u>Crematory</u> <u>Crushing Facility That Meets the Definition of an 'Infrequent Operation' under Rule 316 of these Rules</u> <u>Cultured Marble</u> <u>Fiberglass Product Manufacturing</u> <u>Flour Milling</u> <u>Foundry</u> <u>Furnace, Burn-Off</u> <u>Furnace, Electric Arc</u> <u>Furnace, Metals</u>	<u>Polymeric Foam Products Less than 25 Tons per Year Potential Uncontrolled VOC Emissions</u> <u>Power Plant Less than 25 Tons per Year Potential Uncontrolled NO_x Emissions</u> <u>Reinforced Plastics</u> <u>Rubber Products Manufacturing with Only Molding</u> <u>Soil/Groundwater Remediation</u> <u>Solvent Degreasing/Cleaning System, Solvent Use Greater Than or Equal To 2 Tons Per Year Potential Uncontrolled VOC Emissions</u> <u>Solvent Reclaiming</u> <u>Source with 3 or More Fee Table C/D Processes</u> <u>Sources Not Otherwise Classified with Potential Uncontrolled Emissions of All Regulated Pollutants Greater than 5, but Less than 25, Tons per Year</u> <u>Stripping Operation, Equipment or Furniture Refurbishment</u> <u>Tire Shredding/Retreading</u> <u>Wastewater Treatment Plant</u> <u>Wood Coating Operation Subject to RACT Including Furniture/Millwork Sources Larger than 10 Tons per Year Potential Uncontrolled VOC Emissions</u> <u>Any Fee Table A, F, or G Source whose Aggregate of All Equipment, Processes or Production Lines Has Enforceable Permit Limits of Less than 2.0 Tons per Year Potential Uncontrolled VOC or NO_x Emissions, and Less than 1.0 Ton per Year Potential Uncontrolled</u>	\$1,550 <u>\$1,730</u>



<u>Furnace, Other</u> <u>Gas Turbine, Non-Utility (Utility in Fee Table A)</u> <u>Grain Cleaning/Processing</u> <u>Grain Storage</u> <u>Incinerator, Non-Hazardous Material</u> <u>Internal Combustion Engine, Other than Emergency</u> <u>Metal Recovery/Reclamation</u> <u>Petroleum Bulk Plants and Organic Liquid Bulk Plants (Non-Petroleum)</u> <u>Pipeline Transmission Facility</u> <u>Plating Tanks (Includes Hard Chrome or Decorative Chrome Plating Operations)</u>	<u>PM₁₀ Emissions</u> <u>Any Fee Table C Source that Receives 3 Complaints on Different Dates During a One-Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action</u> <u>Sources listed in Fee Tables Fee Table C – D (see Sections 403.3 and 403.4)</u>	
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Fee Table C		
<u>Asphalt Day Tanker/Tar Kettle</u> <u>Cement Products Packaging/Distribution</u> <u>Circuit Board Assembly</u> <u>Circuit Board Manufacturing Less than 5 Tons per Year of Potential Uncontrolled VOC</u> <u>Drinking Water Treatment Facility</u> <u>Dry Cleaning Facilities</u> <u>Electroless Plating or Plating Subject to MACT Subpart WWWW</u> <u>Engine Testing</u> <u>Ethylene Oxide Sterilization, Medical Facilities</u> <u>Facilities Operating Stationary Emergency Internal Combustion Engines</u> <u>Food Processing</u> <u>Gasoline Dispensing Operations</u> <u>Graphic Arts Operations</u> <u>Incinerator, Paper and Cardboard Products</u> <u>Injection Molding</u> <u>Laundry, Other than Dry Cleaning</u> <u>Miscellaneous Acid/Solvent Use</u> <u>Non-Halogenated Solvent Cleaning, Less than 2 Tons per Year Potential Uncontrolled VOC Emissions</u>	<u>Packaging, Mixing and Handling, Granular or Powdered Material Other than Cement or Grain</u> <u>Petroleum Bulk Plants and Organic Liquid Bulk Plants (Non-Petroleum) Less than 120,000 Gallons per Month and Built Before 1978</u> <u>Plastic or Metal Extrusion</u> <u>Powder Coating</u> <u>Semiconductor Lab/Testing/Services</u> <u>Sewage Lift Pump Station</u> <u>Solvent Storage/Handling</u> <u>Sources Not Otherwise Classified with Potential Uncontrolled Emissions of All Regulated Pollutants Less than or Equal to 5 Tons per Year</u> <u>Storage Tank, Non-Petroleum Volatile Organic Compounds</u> <u>Surface Coating and/or Abrasive Blasting Operations</u> <u>Vehicle and Mobile Equipment Refinishing Operations</u> <u>Waste Transfer Facility</u> <u>Wood Furniture, Fixture and Millwork Operations</u>	\$610 <u>\$680</u>

Fee Table D		
<u>Bulk Material Handling (Not Related to Construction Projects with Finite Timeframes)</u> <u>Hauling, Transporting, Stacking, Loading Operations, Unloading Operations and Storage Piles</u> <u>Composting, Mulching, Green Waste</u> <u>Inert Landfill</u> <u>Landfill (Closed) General Maintenance</u> <u>Landscape and Decorative Rock, Gravel and Sand Distribution</u>		\$610 <u>\$680</u>
<u>Sources listed in Fee Table E (see Section 403.5)</u>	Fee Table E	\$320 <u>\$360</u>
<u>Fuel Burning Operations</u>		



Fee Table D	
Sources listed in Fee Table F (see Section 403.6) Fee Table F <u>Aggregate Production/Crushing Subject to an NSPS under CAA Section 111</u> <u>Hot Mix Asphalt Plants</u>	\$7,940\$8,870
Sources listed in Fee Table G (see Section 403.7) Fee Table G <u>Aggregate Production/Crushing not Subject to NSPS under CAA Section 111</u> <u>Concrete Batch Plant</u>	\$4,790\$5,350

Sources listed in Fee Table H (see Section 403.8) Fee Table H <u>Semiconductor Manufacturing Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing</u> <u>Any Fee Table A or G Source that Receives 3 Complaints on Different Dates During a One-Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action</u>	\$7,940\$8,870
Sources listed in Fee Table I (see Section 403.9) Fee Table I <u>Any Fee Table B Source that Receives 3 Complaints on Different Dates During a One-Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action</u>	\$4,790\$5,350

- 303 GENERAL PERMIT FEES:** The owner or operator of a source required to obtain a permit pursuant to these rules who elects to be covered by a General Permit under Rule 200 of these rules shall pay fees according to the following provisions:
- 303.1 Fees Due with an Application Fee:** The owner or operator of a source initially applying for authorization to operate under a General Permit shall pay the applicable application fee from the table below Table 280-4 with the submittal of the application as adjusted annually under Section 313 of this rule.
- 303.2 Annual Administrative Fee:** The owner or operator of a source with an authorization to operate under a General Permit shall pay the applicable annual administrative fee from Table 280-4, as adjusted annually under Section 313 of this rule. The fee is due on the first anniversary date of the initial approval to operate under a General Permit and annually thereafter on that date.

TABLE 280-4 GENERAL PERMIT FEES	
Fee Table General Permit Source Category Source categories designated as Fee Tables A - I are listed in Sections 403.1 - 403.9 of this rule	Application Fee And Annual Administrative Fee
Title V General Permits except Air Curtain Destructors	Fee from Section 301.1(a) table for Title V source category
<u>Air Curtain Destructors</u>	\$840\$940
Sources listed in Fee Table A (see Section 403.1)	\$4,870
Sources listed in Fee Table B (see Section 403.2) <u>Crematories</u> <u>Wastewater Treatment Plants</u>	\$3,250\$1,400
Sources listed in Fee Tables C - D (see Sections 403.3 and 403.4) <u>Asphalt Day Tankers/Tar Kettles</u> <u>Dry Cleaning Facilities</u> <u>Gasoline Dispensing Operations</u> <u>Graphics Arts Operations</u> <u>Facilities Operating Stationary Emergency Internal Combustion Engines</u> <u>Stationary Dust-Generating Sources ≥ 0.10 Acre</u> <u>Bulk Material Handling</u> <u>Hauling, Transporting, Stacking, Loading Operations, Unloading Operations and Storage Piles</u> <u>Composting, Mulching, Green Waste</u> <u>Inert Landfill</u> <u>Land Clearing Using Mechanized Equipment</u> <u>Landfill (Closed) General Maintenance</u> <u>Landscape and Decorative Rock, Gravel and Sand Distribution</u> <u>Landscaping with Mechanized Equipment</u> <u>Weed Abatement By Discing or Blading</u> <u>Surface Coating and/or Abrasive Blasting Operations</u>	\$320\$360

**GENERAL PERMIT FEES**

Fee Table General Permit Source Category Source categories designated as Fee Tables A–I are listed in Sections 403.1–403.9 of this rule	Application Fee And Annual Administrative Fee
Vehicle and Mobile Equipment Refinishing Operations Wood Furniture, Fixture and Millwork Operations	\$320\$360
Sources listed in Fee Table E (see Section 403.5) Fuel Burning Operations	\$240\$270
Sources listed in Fee Table F (see Section 403.6)	\$6,970
Sources listed in Fee Table G (see Section 403.7)	\$4,170
Sources listed in Fee Table H (see Section 403.8)	\$6,970
Sources listed in Fee Table I (see Section 403.9)	\$4,170

- 303.3** The Control Officer may issue a General Permit that is not listed in Table 280-4 on his or her own initiative or in response to a petition. The application and annual administrative fees for any General Permit category not listed in Table 280-4 will be listed in the fee schedule on the department's website at: www.maricopa.gov/aq/
- 303.4** The Stationary Dust-Generating Source General Permit covers sources subject to Rule 310 of these rules that are not engaged in construction projects with finite timeframes including, but not limited to, the following:
- a.** Businesses with routine dust-generating activities disturbing 0.10 acre or more that are not engaged in any other regulated activities.
 - b.** Residential property with dust-generating activities disturbing 0.10 acre up to 10 acres, excluding construction projects.
- 303.2** **Annual Administrative Fee:** The owner or operator of a source with an authorization to operate under a General Permit shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304 of this rule. The fee is due on the first anniversary date of the initial approval to operate under a General Permit and annually thereafter on that date.

Fee Table Source categories designated as Fee Tables A–I are listed in Sections 403.1–403.9 of this rule	Annual Administrative Fee
Title V General Permits	Fee from Section 301.2(a) table for Title V source category
Sources listed in Fee Table A (see Section 403.1)	\$4,870
Sources listed in Fee Table B (see Section 403.2)	\$3,250
Sources listed in Fee Tables C–D (see Sections 403.3 and 403.4)	\$320
Sources listed in Fee Table E (see Section 403.5)	\$240
Sources listed in Fee Table F (see Section 403.6)	\$6,970
Sources listed in Fee Table G (see Section 403.7)	\$4,170
Sources listed in Fee Table H (see Section 403.8)	\$6,970
Sources listed in Fee Table I (see Section 403.9)	\$4,170

- 304 ANNUAL ADJUSTMENT OF FEES:** Fees shall be increased yearly by the percentage, if any, by which the Consumer Price Index for the most recent year exceeds the base year Consumer Price Index as set forth in the following manner:
- 304.1** The Control Officer shall adjust the hourly rate every January 1, to the nearest 10 cents per hour, beginning on January 1, 2009. The Control Officer will multiply \$133.50 by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4 of this rule, and then divide by the CPI for the year 2008.
- 304.2** The Control Officer shall adjust the administrative or permit processing fees listed in Sections 301–303 of this rule every January 1, to the nearest \$10, beginning on January 1, 2009. The Control Officer will multiply the administrative or permit processing fee by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4 of this rule, and then divide by the CPI for the year 2008.
- 304.3** The Control Officer shall adjust the rate for emissions-based fees every January 1, beginning on January 1, 2009. The Control Officer will multiply \$38.25 by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4, and then divide by the CPI for the year 2008.
- 304.4** The Consumer Price Index (CPI) for any year is the average of the monthly CPI for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

304 CALCULATION AND PAYMENT OF EMISSIONS-BASED FEES:

- 305.1 304.1** For purposes of this section, actual emissions means the actual quantity of regulated air pollutants emitted over the preceding calendar year or any other period determined by the Control Officer to be representative of normal source operations, determined as follows:



- a. Emissions quantities, including fugitive emissions, reported under Rule 100, Section 500 of these rules shall be used for purposes of calculating the emissions-based fee.
- b. Actual emissions quantities calculated under Rule 100, Section 500 of these rules shall be determined using the following methods:
 - (1) Whenever available, emissions estimates shall be calculated from continuous emissions monitors certified under 40 CFR Part 75, Subpart C and referenced appendices, or data quality-assured pursuant to Appendix F of 40 CFR, Part 60 which are incorporated by reference in Appendix G of these rules.
 - (2) When sufficient data obtained using the methods described in Section ~~305~~ 304.1(b)(1) of this rule is not available, emissions estimates shall be calculated from source performance tests conducted pursuant to Rule 270 of these rules.
 - (3) When sufficient data obtained using the methods described in Sections ~~305~~ 304.1(b)(1) or (2) of this rule is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.
 - (4) When sufficient data obtained using the methods described in Sections ~~305~~ 304.1(b)(1) through (3) of this rule is not available, emissions estimates shall be calculated using emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, which is incorporated by reference in Appendix G of these rules.
 - (5) When sufficient data obtained using the methods described in Sections ~~305~~ 304.1(b)(1) through (4) of this rule is not available, emissions estimates shall be calculated by equivalent methods approved by the Control Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as the applicable methods in Sections ~~305~~ 304.1(b)(1) through (4) of this rule.
- c. Actual emissions quantities calculated under Section ~~305~~ 304.1(b) of this rule shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

- ~~305.2~~ **304.2** The following emissions of regulated air pollutants shall be excluded from a source's actual emissions for purposes of this section:
- a. Emissions of a regulated air pollutant from the source in excess of 4,000 tons per year.
 - b. Emissions of any regulated air pollutants that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM₁₀.
 - c. Emissions from insignificant activities excluded from the permit for the source under Rule 210 of these rules.
 - d. Fugitive emissions of PM₁₀ from activities other than crushing, belt transfers, screening, or stacking.
 - e. Fugitive emissions of VOC from solution-extraction units.

- ~~305.3~~ **304.3** A notice to pay the fee specified in Section 301.2(b) of this rule, a declaration of emissions form and the annual emission inventory questionnaire will be mailed annually to the owner or operator of a source to which this applies. The emission fee is due and payable by April 30 each year or no later than 90 days following the date of notice, whichever is later.

- ~~306~~ **305** **HEARING BOARD FILING FEE:** A person filing a petition with the Hearing Board under Rule 400 of these rules shall pay a fee of \$100.00. This fee may be refunded by a majority vote of the Hearing Board upon a showing of undue hardship.
- ~~307~~ **306** **CONDITIONAL ORDER FEE:** Any person applying for a conditional order pursuant to Rule 120 of these rules shall pay a conditional order fee. The amount of a conditional order fee shall be equal to the amount of the applicable permit fee as specified in this rule.
- ~~308~~ **307** **GASOLINE DELIVERY VESSEL MARICOPA COUNTY VAPOR TIGHTNESS CERTIFICATION DECAL FEE:** A person wishing to obtain a decal for each gasoline delivery vessel cargo tank that passes the required annual test under Rule 352 of these rules shall pay a fee of \$280.00. A person wishing to obtain a replacement decal shall pay a fee of \$80.00.
- ~~309~~ **308** **OPEN BURN FEE:**
- ~~309.1~~ **308.1** **Burn Permit Fee:** A person applying for a Burn Permit shall pay a fee as set forth in the following fee schedule Table 280-5.

TABLE 280-5

BURN PERMIT FEES

Fire Category	Permit Period	Fee
Disease/Pest Prevention	30 days	\$100.00
Ditch Bank/Fence Row	1 year	\$100.00
Fire Fighting Instruction	1 year	\$100.00
Fire Hazard	30 days	\$100.00
Indigenous Scrub Vegetation	30 days	\$100.00
Land Clearance Less than 5.0 Acres	30 days	\$150.00
Land Clearance 5.0 Acres or Greater	30 days	\$350.00
Tumbleweeds	30 days	\$100.00
Watershed Rehabilitation	30 days	\$100.00

- ~~309.2~~ **308.2** **Air Curtain Destructor Burn Plan Review and Inspection Fee:** Any person required to file an air curtain destructor Burn Plan under the provisions of Rule 314 of these rules shall pay a fee of \$350.00.
- ~~310~~ **309** **DUST CONTROL PERMIT FEE:**
- ~~310.1~~ **309.1** A person applying for a Dust Control Permit under the provisions of Rule 310 of these rules shall pay an annual fee as set forth in the following fee schedule Table 280-6, based on the total surface area that is disturbed.

TABLE 280-6



DUST CONTROL PERMIT FEES	
Total Surface Area Disturbed	Fee
Annual Block Permit	\$2,000
0.1 to less than one acre	\$795 \$530
One acre to less than 10 acres	\$1,325 \$1,060
10 acres to less than 50 acres	\$3,855
50 acres to less than 100 acres	\$6,425
100 acres to less than 500 acres	\$9,635
500 acres or greater	\$15,415

310.2 309.2 Dust Control Permit Fee Refunds:

- Refunds Prior to Project Start Date and Prior to Commencement of Dust-Generating Operations:** If a Dust Control Permit is cancelled by the permittee prior to the project start date and before commencing any dust-generating operations, the Control Officer shall refund the Dust Control Permit fee, less a \$150.00 nonrefundable processing fee.
- Refunds after Project Start Date and Prior to Commencement of Dust-Generating Operations:** If a Dust Control Permit is cancelled by the permittee after the project start date and before commencing any dust-generating operations, the Control Officer shall refund the Dust Control Permit fee, less a \$350.00 nonrefundable processing and initial inspection fee.
- No Dust Control Permit refund shall be given for a Dust Control Permit cancelled by the permittee after commencing any dust-generating operations.

309.3 Accelerated Dust Control Permit Processing Fee: An applicant for a dust control permit may request accelerated permit processing of a dust control permit application. The applicant shall pay the Control Officer a fee two times the fee amount listed in Table 280-6 for accelerated permit processing. Applications submitted with an accelerated permit fee will be processed by the end of the next business day.

311 310 DUST CONTROL TRAINING CLASS FEE:

310.1 A person required to complete a dust control training class shall pay a training class fee as set forth in Table 280-7.

TABLE 280-7

DUST CONTROL TRAINING CLASS FEES	
Training Class Fee Type	Amount
Basic Dust Control Training Class Fee	\$50.00
Comprehensive Dust Control Training Class Fee	\$125.00

311.1 Basic Dust Control Training Class Fee: A person required to complete basic dust control training shall pay a training class fee of \$50.00.

311.2 Comprehensive Dust Control Training Class Fee: A person required to complete comprehensive dust control training shall pay a training class fee of \$125.00.

311.3 310.2 Requests for Dust Control Training: A person may request that the Control Officer conduct a dust control training class within Maricopa County. A minimum of 10 and a maximum of 30 class participants shall be required and meeting room space shall be provided by the person making the request. The fee for such a training class shall be \$35.00 per person for basic dust control training or \$100.00 per person for comprehensive dust control training. A discounted fee of \$30.00 per person shall be required for issuance of training cards at third-party provider dust control training classes. No refunds will be issued if less than 50 participants attend the training.

311.4 "Train the Trainer" Class Fee: A person taking a "train the trainer" class offered by the Control Officer shall pay a training class fee of \$125.00.

312 311 SUBCONTRACTOR REGISTRATION FEE: A person required to register with the Control Officer under Rule 200 Section 306 of these rules and wishing to obtain a registration number shall pay an annual fee of \$50.00 to obtain a registration number.

313 312 ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEES: Any person required to file notification under the provisions of Rule 370 of these rules shall pay fees according to the provisions in Sections 313.1 through 313.5, 312.1, 312.3, 312.5, 312.7 and 312.8 below.

313.1 312.1 Renovation: Any person filing notification of a project to renovate regulated asbestos-containing materials (RACM) shall pay a nonrefundable notification and plan review filing fee based on the amount of regulated asbestos-containing materials removed as shown in the table below Table 280-8:

TABLE 280-8

ASBESTOS RENOVATION FEES			
Amount of Regulated Asbestos-Containing Materials (RACM) Removed			
Linear Feet	Square Feet	Cubic Feet	Fee*
0-259	0-159	0-34	\$0
260-499	160-499	35-109	\$600
500 or more	500 or more	110 or more	\$1,770

* If materials are reported on the notification in more than one category, the higher fee will apply.



312.2 Renovation Fee Refund: If a renovation notification is cancelled by the person who filed the notification prior to commencing renovation operations and no revisions to the notification were made from the date it was initially submitted, the Control Officer shall refund the notification and plan review filing fee, less a \$350.00 nonrefundable fee.

~~313.2~~ **312.3 Demolition:** Any person filing notification of a project to demolish a facility (as defined in 40 CFR 61, Subpart M) shall pay a ~~nonrefundable~~ notification and plan review filing fee of \$600.00.

312.4 Demolition Fee Refund: If a demolition notification is cancelled by the person who filed the notification prior to commencing demolition operations and no revisions to the notification were made from the date it was initially submitted, the Control Officer shall refund the notification and plan review filing fee, less a \$350.00 nonrefundable fee.

~~313.3~~ **312.5** For projects involving both renovation and demolition activities in a single notification, separate fees for each activity will apply according to Sections ~~313.4~~~~312.1~~ and ~~313.2~~~~312.3~~ of this rule.

312.6 Renovation and Demolition Fee Refund: If a renovation and demolition notification is cancelled by the person who filed the notification prior to commencing renovation and demolition operations and no revisions to the notification were made from the date it was initially submitted, the Control Officer shall refund the notification and plan review filing fee, less a \$350.00 nonrefundable fee.

~~313.4~~ **312.7** When a revision to a notification involves an increase in the RACM, the difference between the fee for the original RACM and the revised RACM shall be paid.

~~313.5~~ **312.8 Annual Operation and Maintenance:** Any person filing an annual notification of planned renovation operations involving individual nonscheduled operations to renovate ~~regulated asbestos-containing materials~~ RACM shall pay a nonrefundable notification and plan review filing fee of \$1,250.00.

312.9 Any person removing less than 260 linear feet, 160 square feet or 35 cubic feet of RACM is not required to file a notification under the provisions of Rule 370 of these rules.

313 ANNUAL ADJUSTMENT OF FEES:

313.1 Title V Fee Adjustments:

a. The Control Officer shall adjust the Title V hourly rate for billable permit actions every January 1, to the nearest 10 cents per hour, beginning on January 1, 2018. The Control Officer will multiply \$149.20 by the CPI for the most recent year and then divide by the CPI for the year 2016.

b. The Control Officer shall adjust the Title V annual administrative fees every January 1, to the nearest \$10, beginning on January 1, 2018. The Control Officer will multiply the administrative fee by the CPI for the most recent year and then divide by the CPI for the year 2016.

c. The Control Officer shall adjust the rate for emissions-based fees every January 1, beginning on January 1, 2018. The Control Officer will multiply \$42.74 by the CPI for the most recent year and then divide by the CPI for the year 2016.

d. The CPI for any year is the average of the monthly CPI for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

313.2 Non-Title V Fee Adjustments:

a. The Control Officer shall adjust the Non-Title V hourly rate for billable permit actions every January 1, to the nearest 10 cents per hour, beginning on January 1, 2018. The Control Officer will multiply \$149.20 by the CPI for the most recent year and then divide by the CPI for the year 2016.

b. The Control Officer may adjust the Non-Title V Annual Administrative Fees, General Permit Application Fees, General Permit Annual Administrative Fees, Burn Permit Fees, Dust Control Permit Fees and Asbestos Notification and Plan Review Filing Fees every January 1, to the nearest \$10, beginning on January 1, 2018. The Control Officer will multiply the administrative fee by the CPI for the most recent year and then divide by the CPI for the year 2016. Fees may be increased if the Control Officer determines the fee fund expenditures exceed the fee fund revenue.

c. The CPI for any year is the average of the monthly CPI for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

314 LATE FEE: The Control Officer shall assess the following fees in addition to all other applicable fees:

314.1 Title V, Non-Title V, or General Permit: An owner/operator of a source requiring a permit who has received a Notice of Violation for constructing or operating without such permit shall pay a late fee of \$100.00.

314.2 Dust Control Permit: Any person who is engaging in dust-generating operations without a Dust Control Permit and has received a Notice of Violation for engaging in dust-generating operations without a Dust Control Permit shall pay a late fee of \$100.00.

315 DELINQUENCY FEE: An applicant or permittee who fails to pay any required fee(s) by 30 days after the invoice due date shall pay a delinquency fee of \$50.00, or 5% of the amount due, whichever is greater, or a delinquency fee of \$100.00 if delinquent over 60 days from the invoice due date. An applicant or permittee who fails to pay any required fee(s) by 60 days after the invoice date shall pay a delinquency fee of \$100.00, or 10% of the amount due, whichever is greater. Applicants and permittees will be notified by mail of any permit delinquency fees that are due and payable.

~~316~~ **SUBSCRIPTION FEE FOR RULE REVISIONS:** A person requesting to be placed on a mailing list to receive copies of new and revised rules shall pay to the Control Officer an annual subscription fee of \$35.00.

~~317~~ **316 ACCELERATED PERMIT PROCESSING FEE:** An applicant requesting accelerated permit processing shall pay fees to the Control Officer according to the following provisions:

~~317.1~~ **316.1** Such a request shall be accompanied by an initial fee of \$15,000. The fee is nonrefundable to the extent of the Control Officer's costs for accelerating the processing if the Control Officer undertakes to provide accelerated processing as described in Rule 200, ~~Section 313~~ of these rules.



- 317.2 **316.2** At any time after an applicant has requested accelerated permit processing, the Control Officer may request an additional advance payment fee based on the most recent estimated cost of accelerating the processing of the application.
- 317.3 **316.3** Upon completion of permit processing activities but before issuing or denying a permit or permit revision, the Control Officer shall send notice of the decision to the applicant along with a final invoice. The final invoice shall include all regular permit processing and other fees due, as well as the difference between the actual cost of accelerating the permit application, including any costs incurred by the Control Officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted for accelerated processing. In the event all payments made exceed actual accelerated permit costs, the Control Officer shall refund the excess advance payments.
- 317.4 **316.4** Any additional costs incurred as a result of accelerated permit processing shall not be applied toward any applicable maximum fee described in this rule.
- 316.5** Accelerated permit processing for dust control permit applicants will be processed in accordance with Section 309.3 of this rule.
- 318 **317 FAILURE TO PAY REQUIRED FEES:** Nonpayment of fees required by this rule constitutes a violation as provided in A.R.S. §§ 49-502, 49-511 and 49-513.
- 319 **318 INFORMAL REVIEW OF PERMIT PROCESSING HOURS:**
- 319.1 **318.1** Any person who receives a final itemized invoice from the Control Officer under Section 301.1 or 302.1 of this rule for a billable permit action may request an informal review of the permit processing hours billed and may pay the invoice under protest as provided below. If the invoice is paid under protest, the Control Officer shall issue the permit.
- 319.2 **318.2** The request for an informal review of the permit processing hours billed shall be made in writing, and received by the Control Officer within 30 days of the invoice date. Unless the Control Officer and person agree otherwise, the informal review shall take place within 30 days after the Control Officer's receipt of the request. The Control Officer shall arrange the date and location of the informal review with the person at least 10 business days before the informal review. The Control Officer shall review whether the amounts of time billed are correct and reasonable for the tasks involved. The Control Officer shall mail his or her decision on the informal review to the person within 10 business days after the informal review date. The Control Officer's decision after the informal review shall be final.
- 320 ~~HAZARDOUS AIR POLLUTANTS TIER 4 RISK MANAGEMENT ANALYSIS FEE: If an applicant uses the Tier 4 method for conducting a risk management analysis (RMA) according to Rule 372 of these rules, the applicant shall pay any costs incurred by the Control Officer in contracting for, hiring or supervising work of outside consultants.~~
- 321 ~~AIR QUALITY AWARENESS FLAG PROGRAM FEE: A person who elects to participate in the air quality awareness flag program may obtain program materials from the Control Officer for a fee of \$200.00.~~
- SECTION 400 – ADMINISTRATIVE REQUIREMENTS**
- 401 ~~**EFFECTIVE DATE OF FEES:** The fees in this rule became effective May 1, 2008, except for the emissions based fee, the air curtain destructor application fee, the Dust Control Permit fee, the “train the trainer” class fee, the air quality awareness flag program fee, and the asbestos notification and plan review filing fees. The emissions based fee became effective January 1, 2009, beginning with the emissions reported for calendar year 2008. The air curtain destructor application fee, the Dust Control Permit fee, the “train the trainer” class fee, the air quality awareness flag program fee, and the asbestos notification and plan review filing fees become effective July 1, 2010.~~
- 401 **EFFECTIVE DATE OF FEES:** The fees, except for the emissions-based fee, in this rule become effective [Date of Adoption]. The revised emissions-based fee becomes effective [One Year After the Date of Adoption], beginning with the emissions reported for calendar year 2017.
- 402 **PAYMENT OF FEES:** All fees required by this rule are payable to Maricopa County Air Quality Department.
- 402.1 **Annual Administrative Fees:**
- a. **Title V and Non-Title V Permits:** The Control Officer shall mail the owner or operator of a Title V or Non-Title V source an invoice for the annual administrative fee due under Sections 301.2 and 302.2 of this rule at least 30 days prior to the anniversary date of the permit.
- b. **General Permits:** The Control Officer shall mail the owner or operator of a source authorized to operate under a General Permit an invoice for the annual administrative fee due under Section 303.2 of this rule at least 30 days prior to the anniversary date of the authorization to operate.
- 402.2 ~~Gasoline Delivery Vessel~~**Maricopa County Vapor Tightness Certification Decal Fee:** ~~Gasoline delivery vessel~~The Maricopa County Vapor Tightness Certification decal fee shall be paid at the time the application is submitted showing satisfactory test results and prior to the issuance of the decal required in the provisions of Rule 352 of these rules.
- 402.3 **Asbestos Removal Notification and Plan Review Filing Fee:** The asbestos notification and plan review filing fee shall be paid at the time the notification is submitted. The notification is not considered filed until the appropriate filing fee is paid.
- 402.4 **Other Fees:** Other fees shall be paid in the manner and at the time required by the Control Officer.
- 402.5 **Fees in Effect:** All fees charged as a result of this rule shall be paid at the rate or in the amount that is in effect on the date the fee is charged.
- 402.6 **Payment Applied to Delinquent Penalties and Fees:** All monies paid to the Control Officer shall first be applied to any delinquent penalties and fees owed by the owner or operator of a source before being applied to current charges.
- 403 ~~**FEE TABLE A, B, C, D, E, F, G, H, AND I SOURCES:** Fee Tables A – I list processes and equipment subject to the fees outlined in Sections 302.2, 303.1, and 303.2 of this rule. For processes and equipment not listed below, the Control Officer will designate Fee Table A, B, C, D, E, F, G, H or I, as applicable. Sources reclassified to a higher fee table due to the receipt of three complaints on different dates during a one year period from different individuals resulting in violations resolved by an order of abatement by consent or judicial~~



action shall remain in that fee table until two calendar years pass without complaints against the facility resulting in violations resolved by an order of abatement by consent or judicial action.

403.1 Fee Table A Sources:

Aircraft Manufacturing
 Chemical Manufacturing, Dry
 Chemical Manufacturing, Liquid
 Circuit Board Manufacturing Greater than or Equal to 5 Tons per Year VOC
 Coating Line, Can/Coil/Fabric/Film/Glass/Paper
 Ethylene Oxide Sterilization
 Gypsum, Calcining
 Incinerator, Medical Waste
 Incinerator, Hazardous Material
 Insulation Manufacturing
 Jet or Auxiliary Engine Manufacturing
 Non-Major Title V Source
 Pesticide/Herbicide Production
 Petroleum Loading Racks and Storage Tanks at Bulk Terminals
 Pharmaceutical Manufacturing
 Polymeric Foam Products Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing
 Power Plant Greater than or Equal to 25 Tons per Year Potential Uncontrolled NO_x Emissions
 Printing Facilities Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing
 Rendering
 Rubber Products Manufacturing
 Semiconductor Manufacturing Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions
 Solid Waste Landfill
 Source Subject to BACT Determination
 Source Subject to a MACT, NESHAP or NSPS Standard under CAA Section 111 or 112 Unless Otherwise Identified in another Fee Table
 Source with 3 or More Fee Table B Processes
 Vegetable Oil Extraction

403.2 Fee Table B Sources:

Aerospace Products Manufacturing and Rework not Subject to MACT
 Aggregate Screening
 Animal Feed Processing
 Auto Body Shredding
 Bakery with Oven of Greater than or Equal to 25 Tons per Year of Potential Uncontrolled VOC Emissions or Facility with Controls
 Boiler, Gas Fired or with Emergency Fuel Capabilities (Each Unit Greater than or Equal to 10 MMbtu/hr)
 Chemical/Fertilizer Storage, Mixing, Packaging and Handling
 Concrete Product Manufacturing
 Cement Terminal
 Cotton Gin
 Cotton Seed Processing
 Crematory
 Cultured Marble
 Fiberglass Product Manufacturing
 Flour Milling
 Foundry
 Furnace, Metals
 Furnace, Burn-Off
 Furnace, Electric Arc
 Furnace, Other
 Gas Turbine, Non-Utility (Utility in Fee Table A)
 Grain Cleaning/Processing
 Grain Storage
 Incinerator, Non-Hazardous Material
 Internal Combustion Engine, Other than Emergency
 Metal Recovery/Reclamation
 Pipeline Transmission Facility



Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome and Hard Chrome Operations Less than or Equal to 60 Million Amp/Hrs per Year Subject to Area Source MACT)
Polymeric Foam Products Less than 25 Tons per Year Potential Uncontrolled VOC Emissions
Power Plant Less than 25 Tons per Year Potential Uncontrolled NO_x Emissions
Reinforced Plastics
Rubber Products Manufacturing with Only Molding
Soil Treatment/Remediation
Soil Solvent Extraction System with Package Thermal/Catalytic Oxidizer/Carbon Adsorption
Solvent Degreasing/Cleaning System, Solvent Use Greater than 3 Gallons per Day
Solvent Reclaiming
Source with 3 or More Fee Table C Processes
Stage I Vapor Recovery, Bulk Plants with Loading Racks
Stripping Operation, Equipment or Furniture Refurbishment
Tire Shredding/Retreading
Wastewater Treatment Plant
Wood Coating Operation Subject to RACT Including Furniture/Millwork Sources Larger than 10 Tons per Year VOC
Any Fee Table A, F, or G Source whose Aggregate of All Equipment, Processes or Production Lines Has Enforceable Permit Limits of Less than 2.0 Tons per Year VOC or NO_x, and Less than 1.0 Ton per Year PM₁₀
Any Fee Table C Source that Receives 3 Complaints on Different Dates During a One Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action

403.3 Fee Table C Sources:

Abrasive Blasting
Asphalt Day Tanker/Kettle
Cement Products Packaging/Distribution
Circuit Board Assembly
Circuit Board Manufacturing Less than 5 Tons per Year of VOC
Dry Cleaning (Includes Perchloroethylene Dry Cleaning Facilities Subject to Area Source MACT)
Emergency Internal Combustion Engine
Engine Testing
Food Processing
Incinerator, Paper and Cardboard Products
Injection Molding
Landscape and Decorative Rock, Gravel, and Sand Distribution
Laundry, Other than Dry Cleaning
Miscellaneous Acid/Solvent Use
Packaging, Mixing and Handling, Granular or Powdered Material Other than Cement or Grain
Petroleum Storage, Non-Retail Dispensing Operations Exempted from Stage I Vapor Recovery by Rule 353
Plastic or Metal Extrusion
Plating, Electroless
Powder Coating
Printing Facilities Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions
Semiconductor Lab/Testing/Services
Non-Halogenated Solvent Cleaning, Less than 3 Gallons per Day
Solvent Storage/Handling
Spray Coating
Bulk Plant Loading Facilities as Defined by Rule 351, Section 305.1
Storage Tank, Non-Petroleum Volatile Organic Compounds
Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation
Vehicle Refinishing
Waste Transfer Facility
Water Reclamation
Sewage Lift Pump Station
Drinking Water Plant
Wood Furniture/Millwork/Small Source Less than 10 Tons per Year VOC
Yard/Stockpiling

403.4 Fee Table D Sources:

Service Station and Non-Retail Dispensing Operations Greater than 120,000 Gallons per Year

403.5 Fee Table E Sources:

Fuel Burning Equipment

403.6 Fee Table F Sources:

Aggregate Production/Crushing Subject to an NSPS under CAA Section 111
Hot Mix Asphalt Plants



- 403.7 Fee Table G Sources:
~~Aggregate Production/Crushing not Subject to NSPS under CAA Section 111~~
~~Concrete Batch Plant~~
- 403.8 Fee Table H Sources:
~~Semiconductor Manufacturing Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing~~
~~Any Fee Table A or G Source that Receives 3 Complaints on Different Dates During a One Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action~~
- 403.9 Fee Table I Sources:
~~Any Fee Table B Source that Receives 3 Complaints on Different Dates During a One Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action~~

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)



REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING

PROPOSED SUMMARY

PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING

PROPOSED EXPEDITED

PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING

EXEMPT PROPOSED

PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

2017 Arizona Administrative Register Volume 23 Page Guide

Issue 1, Jan. 6, 2017.....1-92

Issue 2, Jan. 13, 2017.....93-146

Issue 3, Jan. 20, 2017.....147-204

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 3 OF VOLUME 23.

Accountancy, Board of

R4-1-101. PM-97
R4-1-341. PM-97
R4-1-345. PM-97
R4-1-453. PM-97
R4-1-454. PM-97
R4-1-455. PM-97
R4-1-455.01. PM-97
R4-1-455.02. PM-97
R4-1-455.03. PM-97
R4-1-455.04. PM-97

Agriculture, Department of - Animal Services Division

R3-2-205. EXP-135
R3-2-403. EXP-135
R3-2-621. EXP-135
R3-2-622. EXP-135

Arizona Health Care Cost Containment System - Administration

R9-22-712.90. FN-22

Clean Elections Commission, Citizens

R2-20-101. FXM-113
R2-20-104. FXM-115
R2-20-105. FXM-117
R2-20-107. FXM-119
R2-20-109. FXM-121
R2-20-110. FXM-124
R2-20-111. FXM-126
R2-20-112. FXM-128
R2-20-402.01. FXM-130
R2-20-402.02. FXN-131
R2-20-703. FXM-133

Environmental Quality, Department of - Air Pollution Control

R18-2-1701. EXP-135
Table 1. EXP-135
R18-2-1702. EXP-135
R18-2-1703. EXP-135
R18-2-1704. EXP-135
R18-2-1705. EXP-135
R18-2-1706. EXP-135

R18-2-1707. EXP-135
R18-2-1708. EXP-135
Table 3. EXP-135
R18-2-1709. EXP-135
R18-2-1701. EXP-135

Insurance, Department of

R20-6-204. EXP-136
R20-6-1001. PXM-151
R20-6-1002. PXM-151
R20-6-1003. PXM-151
R20-6-1004. PXM-151
R20-6-1005. PXM-151
R20-6-1006. PXM-151
R20-6-1007. PXM-151
R20-6-1008. PXM-151
R20-6-1009. PXM-151
R20-6-1010. PXM-151
R20-6-1011. PXM-151
R20-6-1012. PXR-151;
PX#-151;
PXM-151
R20-6-1013. PX#-151;
PXM-151
R20-6-1014. PX#-151;
PXM-151
R20-6-1015. PX#-151;
PXN-151
R20-6-1017. PXM-151
R20-6-1018. PXM-151
R20-6-1019. PXM-151
R20-6-1020. PXM-151
R20-6-1021. PXM-151
R20-6-1023. PXM-151
R20-6-1024. PX#-151;
PXN-151
R20-6-1025. PXM-151
R20-6-1026. PX#-151
Appendix A. PXM-151
Appendix B. PXM-151
Appendix C. PXM-151
Appendix D. PXM-151
Appendix E. PXM-151
Appendix F. PXM-151
Appendix H. PXM-151
Appendix I. PXM-151

Appendix J. PXM-151

Pharmacy, Board of

R4-23-407.1. PN-5;
EN-31

Retirement System Board, State

R2-8-201. EXP-34
R2-8-207. EXP-34

Revenue, Department of - General Administration

R15-10-301. PM-108
R15-10-302. PM-108
R15-10-303. PM-108
R15-10-304. PM-108
R15-10-305. PM-108
R15-10-306. PM-108

Transportation, Department of - Commercial Programs

R17-5-301. PM-7
R17-5-302. PM-7
R17-5-303. PM-7
R17-5-305. PM-7
R17-5-306. PM-7
R17-5-307. PM-7
R17-5-308. PM-7
R17-5-309. PM-7
R17-5-311. PM-7
R17-5-313. PM-7
R17-5-315. PM-7
R17-5-318. PM-7
R17-5-323. PM-7
R17-5-401. PN-16
R17-5-402. PM-16
R17-5-405. PM-16
R17-5-406. PM-16
R17-5-407. PM-16
R17-5-408. PM-16

Transportation, Department of - Title, Registration, and Driver Licenses

R17-4-703. EXP-34
R17-4-711. EXP-34



OTHER NOTICES AND PUBLIC RECORDS INDEX

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 3 OF VOLUME 23.

**County Notices Pursuant to A.R.S.
§ 49-112**

Maricopa County; pp. 37-71

**Proposed Delegation Agreement,
Notices of**

Environmental Quality, Department
of; pp. 35-36

**Rulemaking Docket Opening,
Notices of**

Pharmacy, Board of; 4 A.A.C. 23; p.
137

Revenue, Department of; 15 A.A.C.
10; p. 138

Substantive Policy Statement,**Notices of**

Health Services, Department of; p.
193

Insurance, Department of; p. 194

**RULE EFFECTIVE DATES CALENDAR**

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1

**REGISTER PUBLISHING DEADLINES**

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
October 14, 2016	November 4, 2016	December 5, 2016
October 21, 2016	November 11, 2016	December 12, 2016
October 28, 2016	November 18, 2016	December 19, 2016
November 4, 2016	November 25, 2016	December 26, 2016
November 11, 2016	December 2, 2016	January 2, 2017
November 18, 2016	December 9, 2016	January 9, 2017
November 25, 2016	December 16, 2016	January 16, 2017
December 2, 2016	December 23, 2016	January 23, 2017
December 9, 2016	December 30, 2016	January 30, 2017
December 16, 2016	January 6, 2017	February 6, 2017
December 23, 2016	January 13, 2017	February 13, 2017
December 30, 2016	January 20, 2017	February 20, 2017
January 6, 2017	January 27, 2017	February 27, 2017
January 13, 2017	February 3, 2017	March 6, 2017
January 20, 2017	February 10, 2017	March 13, 2017
January 27, 2017	February 17, 2017	March 20, 2017
February 3, 2017	February 24, 2017	March 27, 2017
February 10, 2017	March 3, 2017	April 3, 2017
February 17, 2017	March 10, 2017	April 10, 2017
February 24, 2017	March 17, 2017	April 17, 2017
March 3, 2017	March 24, 2017	April 24, 2017
March 10, 2017	March 31, 2017	May 1, 2017
March 17, 2017	April 7, 2017	May 8, 2017
March 24, 2017	April 14, 2017	May 15, 2017
March 31, 2017	April 21, 2017	May 22, 2017
April 7, 2017	April 28, 2017	May 30, 2017
April 14, 2017	May 5, 2017	June 5, 2017
April 21, 2017	May 12, 2017	June 12, 2017



GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor's Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council's office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

GOVERNOR'S REGULATORY REVIEW COUNCIL DEADLINES FOR 2017

[M16-300]

DEADLINE FOR PLACEMENT ON AGENDA	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday November 22, 2016	Tuesday December 20, 2016	Wednesday December 28, 2016	Wednesday January 4, 2017
Tuesday December 27, 2016	Tuesday January 24, 2017	Tuesday January 31, 2017	Tuesday February 7, 2017
Tuesday January 24, 2017	Tuesday February 21, 2017	Tuesday February 28, 2017	Tuesday March 7, 2017
Tuesday February 21, 2017	Tuesday March 21, 2017	Tuesday March 28, 2017	Tuesday April 4, 2017
Tuesday March 21, 2017	Tuesday April 18, 2017	Tuesday April 25, 2017	Tuesday May 2, 2017
Tuesday April 25, 2017	Tuesday May 23, 2017	Wednesday May 31, 2017	Tuesday June 6, 2017
Tuesday May 23, 2017	Tuesday June 20, 2017	Tuesday June 27, 2017	Thursday July 6, 2017
Tuesday June 20, 2017	Tuesday July 18, 2017	Tuesday July 25, 2017	Tuesday August 1, 2017
Tuesday July 25, 2017	Tuesday August 22, 2017	Tuesday August 29, 2017	Wednesday September 6, 2017
Tuesday August 22, 2017	Tuesday September 19, 2017	Tuesday September 26, 2017	Tuesday October 3, 2017
Tuesday September 26, 2017	Tuesday October 24, 2017	Tuesday October 31, 2017	Tuesday November 7, 2017
Tuesday October 24, 2017	Tuesday November 21, 2017	Tuesday November 28, 2017	Tuesday December 5, 2017
Tuesday November 21, 2017	Tuesday December 19, 2017	Wednesday December 27, 2017	Wednesday January 3, 2018

*Materials must be submitted by **5 P.M.** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.



**GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE
JANUARY 4, 2017 MEETING**

[M17-03]

RULES:**BOARD OF PHARMACY (R-17-0101)**

Title 4, Chapter 23, Article 4, Professional Practices

Amend: R4-23-411**COUNCIL ACTION: APPROVED****BOARD OF PSYCHOLOGIST EXAMINERS (R-17-0102)**

Title 4, Chapter 26, Article 4, Behavior Analysis

Amend: R4-26-401; R4-26-403; R4-26-404; R4-26-405; R4-26-406; R4-26-407; R4-26-408; R4-26-409;
R4-26-410; R4-26-414; R4-26-417**New Section:** R4-26-404.01**COUNCIL ACTION: APPROVED****DEPARTMENT OF TRANSPORTATION (R-17-0103)**

Title 17, Chapter 5, Article 9, Transportation Service Providers; Article 10, Vehicle for Hire

Amend: Article 9**New Article:** Article 10**New Section:** R17-5-901; R17-5-902; R17-5-903; R17-5-904; R17-5-905; R17-5-906; R17-5-1001; R17-5-1002;
R17-5-1003; R17-5-1004; R17-5-1005; R17-5-1006; R17-5-1007; R17-5-1008; R17-5-1009**Repeal:** R17-5-901; R17-5-902; R17-5-903; R17-5-904; R17-5-905; R17-5-906**COUNCIL ACTION: APPROVED****ARIZONA STATE RETIREMENT SYSTEM (R-17-0105)**

Title 2, Chapter 8, Article 1, Retirement System; Defined Benefit Plan

Amend: Article 1**New Section:** R2-8-117**COUNCIL ACTION: APPROVED****DEPARTMENT OF ENVIRONMENTAL QUALITY (R-17-0106)**

Title 18, Chapter 2, Article 1, General; Article 2, Ambient Air Quality Standards; Area Designations; Classifications; Article 3, Permits and Permit Revisions; Article 4, Permit Requirements for New Major Sources and Major Modifications to Existing Major Sources; Article 5, General Permits; Article 12, Emissions Bank

Amend: R18-2-101; R18-2-102; R18-2-201; R18-2-203; R18-2-217; R18-2-218; R18-2-301; R18-2-302;
R18-2-302.01; R18-2-303; R18-2-304; R18-2-306; R18-2-306.01; R18-2-307; R18-2-311;
R18-2-312; R18-2-319; R18-2-320; R18-2-324; R18-2-326; R18-2-327; R18-2-330; R18-2-332;
R18-2-334; R18-2-401; R18-2-402; R18-2-403; R18-2-404; R18-2-405; R18-2-406; R18-2-407;
R18-2-408; R18-2-410; R18-2-412; R18-2-502; R18-2-503; R18-2-504; R18-2-504; R18-2-512;
R18-2-513; R18-2-1205**New Section:** R18-2-411; R18-2-514; R18-2-515**Repeal:** R18-2-507; R18-2-508; Appendix 1



COUNCIL ACTION: APPROVED

FIVE-YEAR-REVIEW REPORTS:

RADIATION REGULATORY AGENCY (F-17-0101)

Title 12, Chapter 1, Article 8, Radiation Safety Requirements for Analytical X-Ray Operations; Article 10, Notices, Instructions, and Reports to Ionizing Radiation Workers; Inspections

COUNCIL ACTION: APPROVED

ARIZONA HEALTH CARE CONTAINMENT SYSTEM (F-17-0102)

Title 9, Chapter 22, Article 1, Definitions

COUNCIL ACTION: APPROVED

ARIZONA STATE RETIREMENT SYSTEM (F-17-0103)

Title 2, Chapter 8, Article 7, Contributions Not Withheld

COUNCIL ACTION: APPROVED

RADIATION REGULATORY AGENCY (F-17-0104)

Title 12, Chapter 1, Article 7, Medical Uses of Radioactive Material; Article 13, License and Registration Fees

COUNCIL ACTION: APPROVED

CONSIDERATION AND DISCUSSION OF MATTERS RELATED TO THE FIVE-YEAR-REVIEW REPORT OF THE CITIZENS CLEAN ELECTIONS COMMISSION:

**COUNCIL ACTION: DEADLINE TO REPEAL R2-20-109(F)(2)-(12) AND (G) EXTENDED TO
MARCH 7, 2017**

CONSIDERATION AND DISCUSSION OF THE REVIEW OF RULES OUTSIDE OF THE FIVE-YEAR REVIEW PROCESS:

DEPARTMENT OF ADMINISTRATION

·R2-10-504 (Loss Prevention)

COUNCIL ACTION: REPORT REQUIRED BY JANUARY 11, 2017

DEPARTMENT OF ECONOMIC SECURITY

·R6-5-5601 through R6-5-5610

·R6-6-402 (Consent)

·R6-7-611 (Distribution of the Mandatory Annual Fee on and after October 1, 2007)

·R6-7-716 (Interstate Collections in UIFSA Cases)

·R6-7-801 (Oblige Request for Administrative Review of Distribution or Disbursement of Support or Related Payments)

COUNCIL ACTION: REPORT REQUIRED BY JANUARY 11, 2017